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MAINE HISTORICAL SOCIETY

Province and Court Records of Maine

VOL. VI

THE COURT RECORDS OF YORK COUNTY, MAINE

Province of Massachusetts Bay

THE RECORDS OF THE
COURT OF GENERAL SESSIONS OF THE PEACE

January, 1718/19–October, 1727

Edited by

NEAL W. ALLEN, JR.

With an Introduction by

ROBERT E. MOODY

Portland

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This volume is dedicated to Walter Goodwin Davis (1885-1966) President of the Maine Historical Society for twenty-four years and tireless benefactor for fifty-seven years.

It was Walter Davis who rekindled in the Society a sense of responsibility for the important task of publishing source materials essential to the study of Maine history. One result was the *Maine Province and Court Records* series which began under his knowledgeable guidance in 1928.

Without Mr. Davis's perseverance through the years, and his absolute insistence upon proper editorial standards, this remarkably reliable series of early Maine documents would never have been published.

Rich. E. Felt 8-19-77

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Introduction

THIS sixth volume of the Province and Court Records of Maine was prepared for publication by Professor Neal W. Allen of Union College, Schenectady, New York, with the same skill and care which characterized his procedures in volumes IV and V of the series. It includes the records, 1718-1727, of the Court of General Sessions of York County, Province of Massachusetts Bay, with additional documents from the York Files in the Court House in Alfred, Maine, and from the Early Files of the Superior Court of Massachusetts in the custody of the clerk of the Supreme Judicial Court in Boston. The records used in the preparation of volume VI were described by Professor Allen in volume V, pages xviii-xix, and comprise about one-half of volume 7 of the manuscript records¹ of the York County Courts; the remainder of the manuscript volume contains the proceedings of the Court of Common Pleas for the same period.

Professor Allen's discussion of the York Files and the Early Files of the Superior Court in volume IV, pages xxviii-xxxi, and in volume V, page xxi, makes it unnecessary to explain further his use of them in the preparation of volume VI. His editorial practices are described in volume IV, pages lxvi-lxvii, and volume V, pages lvii-lviii. One major change has been introduced in volume VI: superscribed letters have been brought down to line, the omitted letter or letters being indicated by an apostrophe, thus: Esq'r, entertainm't. In previous volumes, contractions, with some exceptions, were expanded.²

The Court of General Sessions had jurisdiction over a broad range of criminal cases arising in the county—Sabbath-breaking, sex offenses, cursing, assault, larceny, fighting, etc. In its civil capacity, the Court had charge of the prudential affairs of the county, such as finances, the collection of taxes, the establishment and supervision of highways and ferries, the issuance of licenses to innholders and retailers of strong drink, and the maintenance of a house of correction—the York Gaol. It had appellate jurisdiction in those cases tried by a single

¹ The original volumes of court records have arabic numbers, the roman numbers having been assigned to the manuscript deeds.

² See *Province and Court Records of Maine*, III, lvii; IV, lxxvi. Hereafter *MPCR*.

justice, and might on occasion remand a case for trial by two justices.³ Cases might be appealed from the Court of General Sessions to the Superior Court of the Province acting as a Court of Assize and General Gaol Delivery.

All of the justices of peace of the province were entitled to sit on the Court of General Sessions. In practice, only the justices resident in the County participated in the proceedings of the York Court.⁴ By contrast, the justices of the Court of Common Pleas, four in number, were commissioned directly to this court; any three of them constituted a quorum.⁵

Continuity in the judiciary of Maine assured the stability of the social relations of the people according to the standards expressed in the legal code enacted by the legislature, preached by the clergy, and generally accepted by the people, with the frequent lapses from the ideal revealed in the court records. Professor Allen has provided an illuminating account⁶ of the small group of judges in Maine whose family relationships and business interests gave them a solidarity quite similar to that found in the larger society in Boston. When replacements and additions of justices were made in the period 1718-1727, men from the same families as before or from families of equivalent status were appointed to office. The increase in the number of justices is explained by the increase in the number of towns resulting from the resettlement of the frontier.⁷

Except for three justices—John Hill of Saco, who died on 2 June 1713,⁸ Ichabod Plaisted of Kittery, who died on 15 November 1715,⁹ and the latter's brother, John Plaisted, whose service was brief, his one appearance on the bench being on 16 November 1714,¹⁰ the members of the first court the records of which open this volume, were the familiar figures of the previous courts: John Wheelwright of Wells, William Pepperrell of Kittery, Charles Frost of Kittery, Abraham

³ Below, pp. 204, 228, 244. In each of these cases, the woman defendant pled illness or danger from the Indians as her excuse for non-appearance. For other cases, see pp. 45, 51.

⁴ For a more detailed description of the courts, see *MPCR*, IV, xv-xxvii; V, xii-xvi.

⁵ See, for example, the commission to William Pepperrell, Jr., dated 11 April 1729. Ms., Mass. Hist. Soc.

⁶ See *MPCR*, IV, xliii, and V, xxi-xxv.

⁷ The largest number of justices on the bench at one time was ten. See below, 239 (3 Jan. 1736/7).

⁸ *MPCR*, V, xxvi.

⁹ *Ibid.*, V, xxvii.

¹⁰ *Ibid.*, V, 147.

Preble of York, Joseph Hammond of Kittery, and Lewis Bean of York.¹¹ When Frost, a justice since 13 December 1715, died on 17 December 1724, he was succeeded by William Pepperrell, Jr. of Kittery, whose commission bears date of 18 February 1724/5.¹² Abraham Preble, II, who succeeded his uncle of the same name in 1715, died on 14 March 1733/4. Samuel Moody of Falmouth replaced him by commission dated 23 June 1724.¹³ Major Moody had been commissioned justice of the peace for Falmouth in 1713 as the principal figure in the resettlement of that town which had been abandoned in the Indian wars,¹⁴ but he appeared on the bench of the Court of Sessions only on 1 July and 7 October 1718.¹⁵ Under his second commission, his first court was that of 5 January 1724/5.¹⁶ Lewis Bean of York died on 25 June 1721; his last court was on 5 January 1719/20. John Gray, captain of Fort Mary at Winter Harbor, was commissioned on 26 November 1719,¹⁷ and was on the bench for the first time on 5 January 1719/20,¹⁸ Joseph Hill's commission was dated 3 March 1721/2;¹⁹ his first court was that of 3 April 1722.²⁰ John Penhallow of the new town of Georgetown, a justice of the peace in 1718, first sat in the Court of Sessions on 5 January 1724/5;²¹ at an earlier date he and Samuel Came were appointed justices of the Court of Common Pleas to act in the place of Justices Wheelwright, Hammond, and Pepperrell in cases in which these justices' close relationship to the litigants disqualified them from sitting.²² Came was present at the Court of General Sessions on 5 April 1726,²³ and with some regularity thereafter. There were several other cases of the appointment of special justices in common

¹¹ Hammond and Bean were added in October 1717. See *ibid.*, V, xxxii.

¹² Whitmore, *Civil List*, p. 108.

¹³ Council Records (Mass. Archives), viii, 51. Moody had also been previously a special justice in the Court of Common Pleas in cases relating to trespass on the common lands in Kittery. Same, vii, 340.

¹⁴ *MPCR*, V, xiii, note 15.

¹⁵ *Ibid.*, V, 208, 210.

¹⁶ Below, p. 168.

¹⁷ Council Records, vii, 87.

¹⁸ Below, p. 30.

¹⁹ Council Records, vi, 340.

²⁰ Below, p. 82.

²¹ Below, p. 168.

²² Council Records, vii, 281-282 (25 Sept. 1723).

²³ Below, pp. 208, 210. Came was appointed to the Court of Common Pleas on a permanent basis on 11 April 1729 as successor to Samuel Moody who died on 5 April 1729.

pleas cases where a conflict of interest existed, which accounts for a larger number of justices participating in the Sessions Court than had previously been the case.²⁴ There were also three new justices, Samuel Plaisted,²⁵ Joseph Heath, captain of the fort at Richmond, and Nathaniel Gerrish.²⁶

As one might expect in a society which made careful provision for keeping the people aware of their responsibility to serve the common good by being reasonably subservient to governmental discipline, the connection between the law-making body—the General Court (especially the Council)—and the judiciary was very close. Justices Wheelwright and Hammond were members of the province council for the entire period, 1718-1727, Charles Frost from 1719 to 1724, and William Pepperrell, Jr. in 1727 and 1728. In 1718 the third of the three councillors allotted to York County by the province charter was Adam Winthrop, and in 1725 and 1726 Edward Hutchinson; their election is explained by their activity in the settlement of the frontier about Casco Bay. Lewis Bean and Joseph Hill were deputies in 1718, Abraham Preble, Joseph Hill and Samuel Plaisted in 1719, Samuel Plaisted and Samuel Moody in 1720, Samuel Came and Joseph Hill in 1721, Samuel Came in 1722, Elijah Plaisted and Joseph Hill in 1723, William Pepperrell and Joseph Hill in 1724, Samuel Came in 1725, William Pepperrell, Jr. and Samuel Moody in 1726, Joseph Hill in 1727.²⁷ The same group of men served frequently in town offices, and some of them commanded military units.

THE EXPANSION OF MAINE AND INDIAN RELATIONS

The Treaty of Portsmouth,²⁸ concluded by Gov. Joseph Dudley in 1713, technically ended the war with the Eastern Indians in New England, and the Treaty of Utrecht in the same year brought to a close the hostilities between England and France. The Committee on Eastern Claims²⁹ continued with different personnel the work of registering land claims in areas abandoned during the wars, and a committee on

²⁴ Council Records, vii, 373, 522; viii, 505, 556, 621, 624.

²⁵ Below, p. 171 (6 April 1725).

²⁶ Both commissioned on 3 Jan. 1726/7.

²⁷ *Journals of the House of Representatives of Massachusetts*, Boston, 1919- , II-VII, passim. Hereafter *House Journals*.

²⁸ Thomas Hutchinson, *History of Massachusetts-Bay*, edited by Lawrence Shaw Mayo, 3 vols., Cambridge, 1936, II, 150.

²⁹ *Mass. Acts and Resolves*, XXI, 833-834. The Book of Eastern Claims has been printed in *Maine Historical and Genealogical Recorder*, vols. IV-VIII.

Settlements (1715)³⁰ began to supervise the return of settlers and the recruitment of new settlers, conflicting claims having become the chief obstacles to the systematic restoration of the frontier. Before 1689, the settled towns of Maine were those set up by the government of Massachusetts after its usurpation of the Province of Maine, and confirmed by President Danforth's trusteeship grants of 1684.³¹ In addition to Kittery, York and Wells, which had not been abandoned during the wars, these were Cape Porpus (presently called Arundel), Saco (renamed Biddeford), Scarborough (Black Point and Blue Point), Falmouth (incorporated 1718), and North Yarmouth.

The principal problem in the resettlement of the latter group of townships was the adjustment of the claims of new settlers to share in the ownership of the common lands. The old settlers, some of whom remained absentee owners, organized themselves as proprietors and bitterly disputed the claims of newcomers. The process of compromising the issues in these controversies loomed large in the history of the subsequent quarter of a century.³²

In the area north of Casco Bay, the land was claimed by a number of private interests, some of which now emerged as proprietary land companies. Chief of these were the Pejepscot Company, the Clark and Lake claim, the Muscongus Company, and the Kennebeck Company. Further east, several smaller claims were held by the heirs of the original grantees. All these claims may be traced to the ancient grants made by the Council for New England before the establishment of Sir Ferdinando Gorges' Province of Maine in 1639. To them had been added a considerable number of Indian deeds. The descendants of the original grantees, many of them prominent Boston business men, traded in shares, bought additional claims, raised new capital and proceeded with plans to settle the lands they claimed east of North Yarmouth.

The close connection between settlement and defense, including Indian policy, in which the building of forts and truck houses and the management of trade played the greatest part, and the close identification of the proprietors of the land with the government of the province, produced not only open recognition of the need to give public support to private enterprise but also, when the interests of the various companies clashed, as in the case of boundaries, opportunities for intrigue

³⁰ *House Journals*, I, 20.

³¹ *MPCR*, III, xxxi, and note.

³² Roy H. Akagi, *The Town Proprietors of the New England Colonies*, Philadelphia, 1924, ch. V. gives a good account of the controversies in Massachusetts and New Hampshire, but neglects those in Maine.

in politics and legal entanglements in the courts. Soon after the end of the war, the individual enterprises of the Pejepscot Company, Lake and Clark, and the Muscongus Company settled Brunswick and Topsham, protected by Fort George, with shadowy communities nearby (“Cork” and a fishing village at Small Point called “Augusta”), of Arrowsic and Parker’s Islands, incorporated as the town of Georgetown in 1716, and of St. Georges, where St. Georges Fort was built in 1720/1.

The province government discouraged the migration to these new places of residents from the established towns of Maine. The new settlers were therefore to a considerable extent soldiers of the militia originally stationed at the forts and garrisons to whom were promised special inducements to stay, and adventurers from the more crowded towns of Massachusetts. In addition, Col. Robert Temple³³ brought from Ireland in 1718 in five ships, it is said, fifteen hundred immigrants. Soon, the majority of these, finding conditions unbearably hard, and alarmed by Indian threats, went off to Londonderry, New Hampshire or Pennsylvania. The projected settlement, “Cork,” did not materialize but a number of families made the best of the situation and were soon scattered among the wilderness settlements of Maine.

In a preceding volume of this series the recruiting of labor in England for the new Maine settlements was mentioned.³⁴ The same Thomas Newman appears again in this volume both as litigant and offender.³⁵ These items, though they add to our knowledge of conditions in Georgetown, scarcely touch the surface of his activities there. From records of litigation in Middlesex County courts and the Superior Court of the Province,³⁶ it appears that Newman made at least two voyages to England to recruit indentured servants with the encouragement and support of Edward Hutchinson, one of the chief promoters in Georgetown. The conditions under which these servants worked in the woods as described in the depositions of witnesses in cases involving the “ownership” of some of these “white slaves” are part of the still unwritten story of the Maine frontier.

The activity in these new settlements so excited the Kennebec Indians that the peace precariously achieved by Gov. Joseph Dudley in

³³ William Willis, “Scotch-Irish Immigration to Maine, and Presbyterianism in New England,” Maine Historical Society, *Collections*, VI, 14-16. For the Scotch-Irish in Falmouth, see *ibid.*, 11-12.

³⁴ *MPCR*, V, xxxiv, xlv, xlv, 89, 90.

³⁵ Below, pp. 48, 49, 57, 63, 79, 83-85, 92, 103-109, 163.

³⁶ Mass. Archives, viii, 236. Early Files of the Superior Court, nos. 13275, 17183, 18130.

1713 was endangered. Dudley's successor, Samuel Shute, anxious to further the progress of the new settlements and to protect the resettlement of Scarborough, Falmouth and North Yarmouth, met with the Indians at Arrowsic Island on 11 August 1717. After considerable debate, the Governor forced a reaffirmation³⁷ of Dudley's treaty which allowed the English to repossess the lands which they had claimed before the wars began.

This treaty was not binding on all Indians however. In August the Micmacs attacked and plundered the English fishing establishment on Cape Breton. This attack encouraged the Indians further west to threaten the settlements, killing cattle, and arousing fears of a general uprising. The unrest among the Indians was blamed by the English to the activities of Sébastien Rale, the Jesuit priest who since 1694 had maintained a mission at the Indian village of Norridgewock on the Kennebec. Father Rale had counseled the Indians from a distance at the negotiations at Georgetown and was known to be angry at the result.

Governor Vaudreuil at Quebec, insisting that French jurisdiction extended as far as the Kennebec River, also constantly encouraged the Indians to rise against the English. Even with the backing of Rale and Vaudreuil, the Indians actually had little negotiating power in their meetings with the English governors of Massachusetts who were adamant in their claims, scornful in their diplomacy, and niggardly with their gifts. The alternatives to the Indians were: to fight, hoping for French help,³⁸ or to surrender, trusting that in self-interest the English would provide for them the trading posts which they desperately needed in an economy in which the Indians had come to depend on the white man for the sale of furs and the purchase of supplies. Still influenced by Father Rale, the Indians continued to harass the whites.

That Father Rale must be forcibly removed seemed obvious to the Massachusetts House of Representatives, less patient than Governor Shute, with whom that legislative body was engaged in violent controversy over the prerogatives of his office which the Governor was trying to maintain. Determined to take the Governor's war powers into

³⁷ Maine Historical Society *Collections*, III, 359-375. Samuel Sewall's "Voyage to Arrowsick in Kennebeck River," in "A Journal of Judge Samuel Sewall, from Aug. 1, 1717 to July 26, 1726" (Ms. Mass. Hist. Soc.) is a remarkably vivid account. He was a member of the Province Council who attended the Governor.

³⁸ A dubious hope since the French government in Versailles, not wishing to jeopardize the Franco-British alliance, prevented Vaudreuil from giving the Indians military assistance.

their own hands, the Representatives finally forced Shute to declare war on the Eastern Indians on 25 July 1722.³⁹ Since Lt. Gov. William Dummer was in charge during the war while Shute was in England defending his administration, the war is sometimes called "Dummer's War."

As in previous Indian wars, the story was one of many isolated depredations, killings and captures of prisoners, with the settlers in their garrisons defending and counterattacking as best they could. The advantages of mobility and surprise were with the Indians, but every warrior killed decreased their advantage, the disparity in numbers being great. Their failure to dislodge the English from their key positions, Fort George, Fort Richmond and St. George's Fort, was not compensated by their success in burning Brunswick and Georgetown, discouraging though these disasters were to the settlers. The necessity of removing Father Rale seemed more pressing than ever.

This aim was achieved when Father Rale was killed in a raid on Norridgewock in August 1724, led by Captains Johnson Harmon and Jeremiah Moulton, both Maine men. The Indian raids continued after this but with gradually decreasing force. Long remembered was the legendary account of Capt. John Lovewell⁴⁰ and his exploit at Pigwacket. After he and his men had made two successful scalp-hunting expeditions and collected considerable scalp money, fate caught up with him when he and thirty-three companions were ambushed on 8 May 1725⁴¹ at what is now Lovewell's Pond near Fryeburg, Maine. The shattered remnant of seventeen men after incredible hardship reached the settlements several days later. Contemporaries reported that the Indians lost at least forty, possibly fifty, of their warriors.

Early in November 1725, four sagamores representing some of the tribes of the Eastern Indians arrived in Boston to negotiate. A treaty was signed on 15 December. The following year on 6 August, forty chiefs joined at Falmouth meetinghouse in the ratification of this treaty. Lieutenant Governor Dummer and an impressive array of members of the General Court attended with a considerable military guard. It was at this ceremony that Richard Jacques, famous for being the slayer of

³⁹ *Boston Gazette*, 30 July 1722. Twice previously, the House had planned expeditions for the capture of Rale; one under Col. Thomas Westbrook was actually despatched. It found Rale absent, but seized his correspondence with Gov. Vaudreuil which convinced the Representatives that he was deeply implicated in stirring up the Indians.

⁴⁰ The war is sometimes also called "Lovewell's War."

⁴¹ Or 9 May. See Fannie Hardy Eckstorm, "Pigwacket and Parson Symmes," *New England Quarterly*, IX (1936), 378-402.

Father Rale, gave “Rhum or strong drink” to some Indians, an offense for which he was summoned before the Court of Sessions at York.⁴² Two witnesses, Capt. Thomas Sanders of the *Province Galley*, and Capt. Joseph Heath of Fort Richmond, called to give evidence, viewed their attendance at court as “impractical” because of their military obligations. Upon their petition,⁴³ the General Court ordered the York justices to stop all proceedings in spite of the Council’s proposal to transfer the case to Suffolk County as a more convenient location.⁴⁴ The charge was not taken up again, possibly because of the popularity of Jacques’ exploit at Norridgewock.

In connection with this same ceremony, Major Samuel Moody, the Maine justice, took umbrage at the conduct of Benjamin Wright who, when ordered to attend as a member of the military, replied that he “was very willing to wait on his Honor [the Lieutenant Governor] But he would not do so by old Beelzebub’s Order.” His dignity considerably ruffled, Major Moody complained to the court that he had been abused and scandalized. Wright, bound over to the next court, posted the required bond, wrote abject apologies, but failed to appear at the assigned court, and forfeited his bond, thus closing the case.⁴⁵

A CASE OF MURDER

The presence of the militia in Maine during Dummer’s War was the occasion of the murder of John Peter by Joseph Quason (or Quasson) at Cape Porpus. They were among the score or more Indian volunteers serving in Capt. Dominicus Jordan’s company at Spurwink. Quason was probably the grandson of Mattaquasson, sagamore of Monomoy, who with other Indians sold a large tract of land at Nauset, Cape Cod, to William Bradford and his associates in 1666. He was born at Monomoy on 28 March 1698. At the age of six when his father died leaving a debt of £5., he was bound out to Samuel Sturgis of Yarmouth. In his confession, Quason stated that he never drank to excess until the age of eighteen; from then on he kept bad company. Tried and convicted before the Superior Court, he was hanged by Sheriff Jeremiah Moulton on the seashore about one mile from the York Gaol where he had been imprisoned. About three thousand persons, it was said, attended, attracted by a spectacle unknown for seventy years. Moulton

⁴² Below, pp. 234-236.

⁴³ Massachusetts Archives, xxxi, 132-133 (17 Dec. 1726).

⁴⁴ *House Journals*, VII, 190-191 (26 Dec. 1726).

⁴⁵ Below, pp. 267, 268, 271.

submitted his complete bill, including the cost of building a gallows and making a coffin, to the General Court which apportioned part of the cost to York County.⁴⁶ Witnesses were brought from a considerable distance to give evidence. Robert Staford was allowed £16:9s for 114 miles travel from Duxbury to Plymouth and then thence to York.⁴⁷ Two Indians, Joseph Tapan and Jacob Ketow were allowed £3., “they being Twelve days from home Attending Court and Travelling.”⁴⁸

“Father” Samuel Moody, the York parson (not to be confused with Major Samuel Moody of Falmouth), made the most of the tragedy. He interviewed the prisoner, saw that he was properly visited in the gaol, pleaded with him, impressed him with the awfulness of his crime and the possibility still of salvation, marched with him to the gallows along with nearly all the ministers of the county, and finally published an account of his life, including for good measure, the sermon he preached after the execution.⁴⁹

COMPLAINTS AGAINST OFFICIALS

The dignity of high office did not prevent the justices themselves from being brought to judgment. Capt. Gray was presented in his own court for selling rum without license. His defense was that “the necessity of Some of the people of Bidiford Obliged him to Supply them with a small Quantity of Liquor & that he thought his So doing was no breach of the law.”⁵⁰

Justice Hammond complained that Justice Frost “had call’d a meeting by his warrant to vacat what a former Meeting of the parish [Kittery] had done,” whereupon Hammond brought a suit against Frost in the next court. “The Application made to him for obtaining that warrant was written with his own hand, which he confess’d when shew’d him. 49. of the Parish subscrib’d a Petition to him to desist; yet he violently went on. He prefer’d an Indictment against Major Ham-

⁴⁶ Below, pp. 234-235.

⁴⁷ *House Journals*, VII, 23 (June 1, 1726).

⁴⁸ *Ibid.*, VII, 77-78 (22 Aug. 1726). Indians evidently travelled more cheaply than white men. Other details may be found in *ibid.*, VI, 400 (10 Dec. 1725).

⁴⁹ *A Summary Account of the life and death of Joseph Quasson, Indian, who on the 28. day of August 1725 at Arundel in the county of York, & province of Maine, shot his fellow-soldier and kinsman, John Peter, so that he died of the wound in a few days. For which murder being apprehended, tried, and after conviction, condemned at York in the province aforesaid, on the 12th of May following, he was there executed on the 29th of June, 1726.* By Samuel Moody, M.A., pastor of the church in York. Boston, printed for S. Gerrish, 1726.

⁵⁰ Below, pp. 17, 20, 30-31 (5 Jan. 1719/20).

mond, the Clerk, for breach of his Oath in entring the vote of the Parish at their former meeting, and took affidavits before himself to support it. Resisted the Coming to distress for his Rate, which he had refus'd to pay," wrote Samuel Sewall.⁵¹ The Council suspended Frost from acting as Justice of the Peace,⁵² but, Sewall continued, "He is not suspended from his office as Judge of the Inferior Court of Common Pleas. Judge Davenport mov'd a question for Explanation."⁵³ If one was forthcoming, it does not appear in the records.

Kittery had considerable trouble with town business. Charles Frost, the newly appointed clerk of courts, was presented for not entering and recording in the town books several land grants. The court concluded that he had not been well apprized of his duty and dismissed the case upon his paying costs, advising him in the future "to comply with the Antient practice."⁵⁴ There was also the question as to who could vote in town meeting—a serious matter when townsmen were nearly equally divided on issues. A list of men who voted in town meeting, though not entitled to, was submitted to the court on 6 April 1727.⁵⁵ It was possibly on account of these that Charles Frost was bound over to appear in court on the charge that he had encouraged some to vote illegally.⁵⁶ The law on the subject was too complex for the jury which handed down a "special verdict." On the basis of its interpretation of the law, the court decided that the men were not qualified to vote. The case was then appealed, the appellants claiming that they should have been acquitted and that William Leighton and the other complainants should have paid costs. In the end the appellants paid the costs and they were non-suited. At a later time John Harmon was bound over by Justice Hammond for presuming to vote for selectmen of Kittery when he was not qualified, the constable certifying that his name was not on the list of those paying rates.⁵⁷ Historically the important result in the case of Kittery is that a list of Kittery inhabitants and their rates is preserved in the records.⁵⁸

Samuel Plaisted, who first sat on the Court of Sessions on 1 October

⁵¹ *Diary of Samuel Sewall*, III, 286-287 (Massachusetts Historical Society, *Collections*, ser. 5, vol. VII).

⁵² Council Records, vii, 250 (March 31, 1721).

⁵³ Frost was restored as Justice of the Peace by Lieut. Gov. William Dummer on June 16, but the fact was not recorded until June 21, 1721. *Ibid.*, vii, 279.

⁵⁴ Below, p. 185.

⁵⁵ Below, p. 171. Below, p. 184.

⁵⁶ Below, pp. 202-204.

⁵⁷ Below, p. 223.

⁵⁸ Below, pp. 172-173.

1717,⁵⁹ was particularly troublesome. He was charged with “fighting and saying, let the Moon go down and be damn’d.”⁶⁰ His continued erratic actions did not prevent him from sitting on the court at several sessions from 1725 to 1727⁶¹ before his removal from office on 17 June 1728 by the province council “for his prophane and immoral behavior.”⁶²

CONTEMPT OF AUTHORITY

Conserving the peace in the new frontier town of Georgetown was not easy. John Penhallow, the Justice of the Peace there, accused Thomas Newman, already mentioned, of “rudeness and Abuzes.” When Newman demanded a copy of Pierce Shortwell’s complaint against him, Penhallow had replied that he could not provide it immediately and asked what good a partial copy would be. How abusive Newman became at this point, the record does not tell us, but Penhallow considered his insolence sufficiently serious to order five men⁶³ (presumably bystanders) to put Newman in the stocks. Newman then asked, “who the Devil, or what Devil” gave Penhallow the power to set him in the stocks. The men apparently complied with Penhallow’s order but “all of ’em geting into the Stocks together, they Shouted in a Contemptuous manner & sat there a minute or two, & then went their ways & so Defyed me [Penhallow] doing anything with them, where upon I was obliged to Call ’em to Account for their Contempt.”⁶⁴ Newman successfully delayed Penhallow’s action against him from the July court 1721 to April 1722⁶⁵ when, Newman not having appeared as ordered, the court issued a warrant of distress against him for £5. to which fees of court, 49s were added.⁶⁶ There is no further record of the case. Meanwhile New-

⁵⁹ *MPCR*, V, 198.

⁶⁰ Below, p. 30 (5 July 1720). The disposition of the case is not recorded.

⁶¹ Below, pp. 171, 226, 256, 338.

⁶² Council Records, ix, 61. Capt. Samuel Jordan was appointed Justice of the Peace for York County the same day. *Ibid.*, 60. For more about Plaisted, see *MPCR*, V, xxviii, xxix.

⁶³ One of them was Benjamin Wright, already mentioned.

⁶⁴ Below, p. 85.

⁶⁵ His delay was undoubtedly due to his having appealed to the province council accusing Penhallow of maladministration of his office. An inquiry was ordered by the council but no record appears. Council Records, vii, 293 (20 July 1721). At this time also a petition signed by sundry inhabitants of Georgetown setting forth that Penhallow had not been duly elected their representative was taken up by the House of Representatives which declared, 6 June 1721, that he was not duly elected and had no right to sit in the House. *House Journals*, III (1721/22), 8. The petition is not now to be found. For Newman, see also *MPCR*, V, xlv, 89-90.

⁶⁶ Below, p. 83.

man had become further embroiled. On 10 March 1722, Abraham Ayers, Sheriff John Leighton's deputy, going to Georgetown was denied "Entertainment" by John Butler, the inn-holder,⁶⁷ and threatened by Lodowick Macgoon with a firelock.⁶⁸ Two days later, seven or eight armed men came down to John Penhallow's house. One of them was Macgoon who attacked Newman who was there with Ayers, stabbing him in the head and arm, saying "that if the High Sheriff or all the Sheriffs in the County were there they should not touch any man" and further told Ayers that "he look't like a rogue." Macgoon and Samuel Rogers were also said to have declared that "no Officer should dare to touch any man in that River," while Robert Poor, "late Constable," said "kill him, kill him, kill him." Newman was compelled to lodge with Samuel Denny for a number of days, not daring to return to his family. As might be expected Newman complained to the court. Two of the men, Rogers and Magoon, were fined 10s and fees of 27s:7d for their abuse of Ayers and 20s and costs of 27s:7d for their abuse of Newman.⁶⁹ Robert Poor, William Rogers, and several others of the assailants escaped into the garrison where they were presumably soldiers, and avoided the arresting officer. Newman was pursuing them as late as July 1724 when his petition to the court that the warrants against them and others might be served was dismissed.⁷⁰

One evening in Kittery, Justice Hammond, being in Capt. John Heard's "publick house," got into an altercation with the host over Hammond's alleged statement that Heard could not tell how many pence were in 40 shillings. In the height of his anger, increased by drink, Heard called the Justice "son of a whore," threatening to strike him, saying that it "was no more to Strike him than another man and that he could but pay for it." Brought into court, Heard paid a fine of 10s and costs of 20s:6d, and was placed under bond to be of good behavior.⁷¹

In another incident, Justices John Wheelwright and Joseph Hill, finding the Wells town meeting in tumult because of Daniel Morison's threatening speeches, ordered Constable Malachi Edwards to take Morison out of the meeting and keep him under guard until the meeting was over. Instead of obeying, Edwards, invoking the name of the king, commanded Justice Hill to stand guard over Morison who was still in the

⁶⁷ Licensed July 4, 1721. Below, p. 53.

⁶⁸ Below, p. 104.

⁶⁹ Below, p. 103.

⁷⁰ Below, p. 163.

⁷¹ Below, pp. 92, 97-99. Heard appealed but no further record has been found.

meeting. Both Morison and Edwards were brought before Justice William Pepperrell and bound over to the Court of Sessions where Morison was fined 10s and Edwards £10. Edwards appealed to the Superior Court alleging as his reasons that he had obeyed orders, that he had a right to command assistance, that he accordingly ordered Justice Hill, and that, when he asked for a jury trial from the court, he was refused. It was perhaps for the latter reason that the higher court reversed the decision of the Sessions Court, and let both Edwards and Morison go free.⁷²

THE CLERGY IN COURT

The war, as well as inflation caused by the issuance of bills of credit, is reflected in the problems of the clergy. Most prominent in these records is Rev. Hugh Henry of Scarborough who also preached at the garrison at Black Point. Henry may have been one of the Irish Presbyterians recruited by Capt. Robert Temple. In some way in touch with the Boston clergy, he was recommended by them to the town of Scarborough which in June 1722 engaged him as minister. The impoverished town, made poorer by the war, found it difficult to pay him the sum promised, and, after his suit against the town for back salary in 1725,⁷³ discontinued his services. Henry, who had been receiving supplementary pay from the province for his ministerial services at the garrison, was also constantly petitioning the General Court either to maintain or increase its largesse.⁷⁴ The town having failed him, the General Court finally refused him his former subsidy and he disappears from the records after March 1727. He was said to have been “an eccentric character” who “rendered himself contemptible, by his levity and indiscretion.”⁷⁵

Another preacher who received supplementary pay as chaplain (at Fort Mary, Winter Harbor, Saco) was Rev. John Everleth (Everleigh) (1669/70-1734), Harvard 1689, minister at Arundel (Cape Porpus), 1719-1729, after his dismissal from the church at Stow, probably for intemperance. From the court records⁷⁶ we learn that his house was the scene of the sale of half a pint of rum by John Murphy to Francis

⁷² Below, pp. 196-202 (6 July 1725). For more on Edwards, see *MPCR*, V, 21-22, 28-31.

⁷³ Below, pp. 153, 154, 155, 178-179, 186-187. The court ordered the town to pay Henry's salary to June 30, 1735.

⁷⁴ *House Journals*, v, 56-57, 241-242; vi, 11, 67, 243, 246, 324, 348; vii, 23, 141.

⁷⁵ James Sullivan, *District of Maine*, Boston, 1795, p. 194. Sullivan got his information from Rev. Thomas Smith of Falmouth.

⁷⁶ Below, 112-113 (2 Oct. 1722).

Dagar. Murphy was fined £10, one third to the poor of Arundel, one third to the commissioner of excise, and one third to the informer, who quite understandably was the legally licensed retailer of the town, Jabez Dorman. Of Everleth, it was said that he was a good blacksmith, a good farmer, and the best fisherman in town.”⁷⁷

Rev. John Rogers (1692-1773), Harvard 1711, the minister of the upper parish of Kittery (Eliot) had financial difficulties with his parish which made it necessary for him to ask the court’s intervention at its session of 5 July 1720. He had not received his salary from September 1718 to March 1719, due to the negligence of the selectmen and assessors.⁷⁸ At the next court, 5 October 1720, the selectmen appeared to answer the complaint and alleged that enough money had been raised for his support.⁷⁹ Accordingly a committee was appointed to examine the selectmen’s accounts. They duly reported the following January that the parish was in arrears to Mr. Rogers for £76:9s:7d up to 29 September 1720. Being assured that the selectmen had committed to the constable a rate of £86 for Roger’s salary beginning 29 March 1720 for one year, the court ordered that £33:9s:7d be assessed according to law. Three Berwick men were then designated to be the assessors, the money collected to be paid to Capt. Nicholas Shapleigh for the use of the minister before 31 May 1721. The matter became more serious when the assessors from Berwick refused to make the rate ordered. Three assessors from Kittery were thereupon appointed: Mr. John Adams, Nicholas Weeks and Capt. William Pepperrell. The new assessors ran into trouble when a “Scandulous pamphlet or Libell written & posted up in the Country way near the house of Mr. John Adams in Kittery nailed to the post of said Adamses Gate, in which pamphlet the said Adams and Mr. Nicholas Weekes . . . are very much Abused & Scandulized & Authority Contemned & reflected on.” The pamphlet was found on 27 April 1721. After that, Adams’ two gates, which had been set up by authority of the Court of Sessions, were “torn down, removed & broken to pieces and his Inclosure laid waste.”⁸⁰ John Tompson and Thomas Ham of Kittery were summoned to appear before the court to tell what they knew about it. Ham denied everything but Tompson “denied that he knew Any thing relative thereunto Against any person Excepting himselfe and refused to make oath to the truth of what he knew Aledging it was the privilege of an Englishman

⁷⁷ Sibley, *Harvard Graduates*, III, 424-428.

⁷⁸ Below, pp. 38, 41-45, 50-51, 56-57, 67.

⁷⁹ Below, p. 41.

⁸⁰ Below, p. 56.

not to Condemn himself.”⁸¹ After comparing Tompson’s handwriting with that of the writer of the “pamphlet,” Justice Hammond required Tompson to appear at the next court, 4 July 1721, when he was admonished and ordered to pay court fees of 20s:6d.⁸² Since we hear no more of Mr. Rogers’ salary, we assume that the assessors performed their duty and that the minister’s rate was duly collected.

STRONG DRINK

On the whole, the laws regarding the sale of liquor were enforced leniently even in one case where the purchaser was an Indian. It is understandable perhaps that John Gray, presented in his own court for selling liquor, should have been acquitted, his excuse seeming reasonable to his fellow-justices.⁸³ John Woodbridge was permitted to keep a public house of entertainment (and to sell liquor) on the ground that he had a “stock of Lycure by him.”⁸⁴ Thomas Hercules (a negro) accused Henry Miles of selling strong beer or ale without license. Miles was acquitted on paying costs of court.⁸⁵ Nathan Miller excused himself for violating the law on the ground that being an officer (of the militia) he had only liquors lodged with him by the commissary, yet he was under the necessity of supplying travellers with small quantities. He was directed to obey the laws in the future and paid costs of court. Richard Jacques, bound over by Major Samuel Moody for “giving or unlawfully disposeing of Rhum to the Indians” was acquitted by a jury specially appointed for the service. His costs of court were £2:14s.⁸⁶ When Samuel Denny of Georgetown was accused of selling strong drink at retail, the presentment was found erroneous and he was acquitted paying costs of £5:17s.⁸⁷ Richard Collier of Falmouth was acquitted of the charge of selling strong drink by retail, in spite of

⁸¹ Below, pp. 56-57.

⁸² Below, p. 55. This seems light punishment. In another case in which Tompson was accused of mutilating a ram belonging to Richard King, he seems no less defiant of the authority of the court. In the ram case, the ambiguity of his testimony and his advice to his servant, John Harmon, not to make oath, seem clear attempts to stand on technicalities. Yet Harmon was acquitted on paying costs and Tompson’s actions were ignored. Below, pp. 76-78. For Tompson, see also *ibid.*, p. 41.

⁸³ Below, pp. 30-31 (5 Jan. 1719/20).

⁸⁴ Below, p. 207 (5 Oct. 1725).

⁸⁵ Below, p. 217 (4 Jan. 1725/6).

⁸⁶ Below, pp. 231-232 (4 Oct. 1726).

⁸⁷ Below, pp. 252-258 (8 Aug. 1727). This recognition of technicalities in the law seems to indicate increasing sophistication in legal matters. He was however fined 10s for breaking away from the constable.

the testimony of five witnesses. “No evidence sufficient to convict him,” the record says.⁸⁸

Drunkenness was more serious, though it may be presumed that only those who made themselves offensive in public came before the courts. Penalties were minimal: John Wherren, who, summoned before the court for drunkenness, appeared there drunk, was fined 10s (with costs of course), possibly because even that amount was a severe penalty in proportion to his means. The fine went to the poor of York, the place of his residence.⁸⁹ This disposition of the fines—to the poor of the offender’s home town—was followed in the cases of non-attendance at church, which are considerably more numerous.⁹⁰ One man and his wife convicted of non-attendance, too poor to pay the fine, sat in the stocks for an hour.⁹¹

MORALS

The presentments for fornication, most of them for the offense before marriage, appear with monotonous regularity, the principal evidence being impossible to conceal without the commission of a far greater crime. Most of the offenders, both men and women, managed to pay the fine, which was usually but not always, 30s and fees of court, rather than to accept the alternative of 10 stripes. In a notable case Sarah Simpson, wife of Henry Simpson, told the court that it was no matter who fathered her child—“she had a husband to maintain it & leet the Court do as they pleased she was ready to answer her fine.” It was her defiance rather than her offense that resulted in her fine of £5.⁹² The law did not catch up with Henry Simpson until some time later; he pled not guilty, his wife had not charged him, and the court, finding the evidence insufficient to convict, acquitted him, the costs of court being 13s.⁹³

Another case suggests that if all the offenders had had good legal advice, few of them would have been convicted. Mary Bean, “reputed wife” of John Bean⁹⁴ of York answered the charge of fornication with a

⁸⁸ Below, p. 14 (7 April 1719).

⁸⁹ Below, p. 230.

⁹⁰ Below, pp. 5, 15, 20, 21, 22, 136, etc.

⁹¹ Below, pp. 195-196.

⁹² Below, p. 155.

⁹³ Below, p. 229.

⁹⁴ John Bean, son of Lewis Bean, born 18 July 1700, married on 18 Nov. 1726, Mary Hubbard.

bill of exceptions⁹⁵ to the presentment saying that the defendant was not sufficiently described, that no time or place where the offense was committed was stated, that because she was a married woman, she could not be guilty of fornication, that the crime was not said to be contrary to the law of the province in that case made and provided, and that the presentment lacked proper form. She was given a jury trial and acquitted.⁹⁶

The case of Bathsheba Lydston, who accused Daniel Paul, Jr. of fathering her bastard child has equal interest. Paul's denial of paternity was based not on innocence but on the chronology of their intimacy. The four justices divided equally as to whether or not she should be admitted to her oath and both parties were put under bond to appear at a later court.⁹⁷ In the meantime, upon his own confession, Paul was convicted of fornication and fined the usual 30s. The confusion of the court seems to have been because, on the basis of the evidence offered in various depositions, there were at least three other possible fathers.⁹⁸ To add to the complication, Daniel Paul, Jr.'s sister Abigail, the wife of Bathsheba's brother, John Lydstrom, testified that Bathsheba during the summer before her child was born, "was a telling what a great Liberty a Young woman has to what a young man hath, for, Said She, I will Let any young man get me with child and then Said She, I can lay it to who I please because a woman has that Liberty granted to them."⁹⁹ This sharp observation was confirmed in the end, for the justices, their eyes on the finances of the case, accepted the mid-wife's testimony that Bathsheba had named Paul at the time of her travail. Consequently he was saddled with the expense of supporting the child.¹⁰⁰

Bastardy was a more serious offense than fornication before marriage because the product of the illicit affair as well as its mother might become publick charges. The accusation of the mother was usually sufficient to prove, so far as the court was concerned, the identity of the father who was therefore charged with paying the mother 2s:6d per week from the birth of the child "during the court's pleasure." Possibly the bond of £60 to the overseers of the Poor to save the town harmless from the child is a measure of how long the payments were expected to

⁹⁵ Prepared by her father-in-law Lewis Bean, perhaps?

⁹⁶ Below, pp. 255, 266, 270, 271.

⁹⁷ Below, pp. 148-149.

⁹⁸ Below, pp. 149-153.

⁹⁹ Below, p. 151.

¹⁰⁰ Below, p. 162.

continue. Samuel Hill, who had paid £33:12d for his bastard at the rate of 2s:6d per week, understandably wanted to know how much longer he was expected to pay. The court's decision that he must continue to pay until the total was £45:10s is, in one case, a definite measure of the legal view of just compensation.¹⁰¹ Most serious were the cases of two black babies whose fathers were not even presented. In one case the mother was whipped 15 stripes,¹⁰² in the other the record is incomplete.¹⁰³

THEFT

When Thomas Dunn was convicted of stealing two bills of credit from James Cutchuck of Berwick, and Moses Goold of receiving and concealing them, they were sentenced to 15 stripes and fees (18s.) or to pay a fine of £3. and fees in addition to treble damage to Cutchuck which amounted to £7:10s. and "each to be disposed by him for 5 months service as the law directs."¹⁰⁴ This complex decision rests upon two laws, one providing treble damages in case of theft,¹⁰⁵ and another providing: that no person sentenced to make restitution who has not the means to satisfy his obligations, shall be held in prison more than 30 days after judgment unless the creditor will engage to the keeper of the prison to satisfy his expence in keeping the prisoner at a rate not exceeding 3 shillings a week. If the creditor refuses to take such a person in service, the keeper can set him at liberty; if he is unable to pay, any two justices of the same court may enjoin the prisoner to make satisfaction by service for such reasonable time as they shall assign. The keeper may then dispose of him in service to any of his majesty's subjects.¹⁰⁶

A TRAVELING SALESMAN

The severe law against "hawkers, pedlars, and petty chapmen,"¹⁰⁷ came into play against William Moore who "did Expose to Sale & Sell Sundry goods and merchandize," in the house of Philip Hubbard of

¹⁰¹ Below, p. 55 (July 4, 1721). Hill's payments began on 6 Oct. 1713. *MPCR*, V, 138, 140, 178.

¹⁰² Below, p. 5.

¹⁰³ Below, pp. 81, 238.

¹⁰⁴ Below, 223-224 (15 April 1726).

¹⁰⁵ The original law is 1692-1693, ch. 18, par. 3 in *Acts and Resolves*, I, 53 (1 Nov. 1692) and amended 1 Dec. 1716, 1716-1717, ch. 14, *ibid.*, II, 59-60. See also the case of Benjamin Barnes, below, pp. 34-35.

¹⁰⁶ *Ibid.*, II, 504-505; 1702, ch. 9 (21 Nov. 1702).

¹⁰⁷ *Acts and Resolves*, I, 720-721.

Berwick, "he not being an Inhabitant of Said Town,"¹⁰⁸ just before Christmas, 1721. Moore, reputed to be Irish, brought the goods which he was accused of selling, from Boston to York, thence to Berwick. Moses Hubbard, younger brother of Philip, reported him to Justice Hammond (the informer's reward in this case was £10, half of the fine), who sent Constable Samuel Hodsdon to bring him in. The order to the constable provided for the seizure of Moore's "bagg or pack of goods." Hodsdon, following the line of least resistance, put the "bagg" in charge of Philip Hubbard's brother-in-law, Jacob Redington, who lived in the same house. Being summoned to give evidence against Moore, Redington left the key to the room with his wife, Philip Hubbard's sister, Elizabeth. On his return home, he found the greater part of the goods to be missing from the pack, as he deposed to the court on 27 December, adding that "there was a Trap door from said room into the Seller open."¹⁰⁹ Redington, his wife, and neighbor Mary Davis denied any knowledge of the disappearance of the goods as did also Daniel Stone, whose wife admitted seeing a piece of goods "between the upper and lower bed in said Stones house." John Goodwin, being asked if he knew how the goods got there, said that "he was not to Sware against himselfe."¹¹⁰ Since the finger of guilt pointed to the Stones and Goodwin, they were indicted. The Stones were acquitted on paying costs of court.¹¹¹ Goodwin did not appear and was bound over to the April sessions. Brought in by writ of *scire facias* on 3 April 1722, the court accepted his reasons for not appearing (they are not given in the record), and he, too, on paying costs of 38s:6d, was acquitted. Moore, however, having been caught with the goods, so to speak, was fined £20, and fees of £4:12s:2d. If any goods were left, which one doubts, the constable sold them, giving one-third to the King, one-third to the poor of the town of Berwick, one third to Moses Hubbard, the informer (who already had half of the £20 fine).¹¹²

WITCHCRAFT

The widespread impact of the witchcraft trials of 1692 and the continued belief in witchcraft among the credulous, coupled with the malignancy of individual against individual fostered by family squabbles,

¹⁰⁸ Below, p. 72.

¹⁰⁹ Below, p. 86.

¹¹⁰ Below, pp. 85-86.

¹¹¹ Below, p. 78.

¹¹² Below, p. 85.

is shown by the complaint of Sarah Keene that John Spinney had called her a witch and said that he would prove it.¹¹³ Spinney appealed from Justice Pepperrell's judgment against him of a fine of 5s and costs. He must have had legal advice for in his appeal he states that because he had refused to plead to the complaint, Pepperrell should have "past ags't him upon a nihil dixit," and since he did not, the "Case falls to the ground."¹¹⁴ While it is apparent that the justices brushed off the superstitions of witnesses, the depositions show an underlying credulity on the part of several who gave evidence. Spinney called Mrs. Keene a "damn'd witch," and said that "by god he could prove her one by a dozen witnesses," but it also clear that when faced down he denied the essential charge that he said that "he was rid up from the Eastwards & tyed to Mistress Canes plum trees." One witness stated that in one of Spinney's altercations with Mrs. Keene, she had said that she would ride Spinney down to Col. Pepperrell's, at which Esther Keene took the bridle from her mother and said she would make the head shorter so that it would fit Spinney's head, and ride him herself. Then came a spate of evidence against Sarah Keene, first from a credulous woman who said she had seen Mrs. Keene riding in the moonlight with fourteen other women also on horseback, that twenty years before Sarah Keene had asked her if a person could be a witch and not know it, that she (Sarah Keene) thought she might be one because of a teat or dug which grew under one of her breasts which she showed to the witness. Spinney's appeal was successful; he was acquitted by the court of sessions, he paying costs of 38s:5d.

The fining of James McCartney for calling John Woodman "a Murdering old roge & that he had murdered two wifes & that he was a wizard & had bewicht Several people" is a case of simple name-calling and slander. The court certainly gave no consideration to the mention of wizardry.¹¹⁵

THE GAOL

Of all the county business dealt with by the Court of Sessions—highways, ferries, taverns, obstruction of roads, complaints of dams which

¹¹³ Below, pp. 208-216. The persistence in local traditions of this or similar situations is shown by Mary L. Spinney's article, "Witchcraft Days in Long-ago Eliot," *Old Eliot*, VIII (1908), 139-140.

For more about the Keenes and their disputes with the Spinneys, see Neal Allen, "Nathaniel Kene of Spruce Creek," *Old-Time New England*, LIII, no. 4 (April-June 1963), 89-101. Sarah, it may be noted, at an earlier time told Mary Rise that "She did not professe no Chrischanity." *MPCR*, V, 132.

¹¹⁴ Below, p. 211.

¹¹⁵ Below, p. 192.

overflowed meadows, the salaries of the clergy—perhaps the most interesting entries in these records are those which mention the gaol at York. At the court of 6 January 1718/19, Sheriff John Leighton repeated the complaint of earlier years that the existing prison was “insufficient” and asked that it be repaired.¹¹⁶ No action having been taken by 6 October 1719, the clerk then recorded that the sheriff “Continues his Complaint against the County Goal it being yet insufficient.”¹¹⁷ Being thus reminded, the court ordered, presumably after discussion of location and size, “that a prison of thirty foot long, Eighteen foot wide & eight foot wall be built with Stone or brick in the Town of York & Sufficiently Covered with Timber as to be finished at or before the Last day of June next At the charge of the County. That the Old prison¹¹⁸ & the Land it Stands on Shall be disposed of & a piece of land purchased near the meeting house in said York to build the new prison upon. And That Abram. Preble & Lewis Bane Esquires & Captain John Leighton be a Committee with full power to Accomplish the Same & that they keep a Just account of their proceedings therein & lay it before this Court for Allowance.”¹¹⁹ There is no record that this committee presented any “account of their proceedings” to the Court of Sessions during the period covered by this volume. The sheriff’s accounts for the year, 7 April 1719 to 8 April 1720, contain prison references only to the keeper’s salary.¹²⁰ For the following year the accounts are lacking, but £20:12s was paid to Sheriff Leighton “being the balance of his Sheriff’s account.”¹²¹ For 1721 to 1722, the salary of the prison keeper is all that appears concerning the gaol.¹²² A year later, 2 April 1723, the Court authorized the payment of £17:11s as the balance of the sheriff’s account.¹²³ There is no entry of sheriff’s accounts in April 1724. Meanwhile Captain Leighton again on 2 October 1722 “Protested in Court against the county Goal as being Insufficient &

¹¹⁶ Below, p. 7. This was in spite of the expenditures to John Kingsbury of York of £1:10s for iron on 21 February 1717/18, and again for work, £2:3s:6d, in July 1718. Below, p. 23.

¹¹⁷ Below, p. 25.

¹¹⁸ This was presumably the prison 24 feet by 16 feet built by Peter Nowel and Francis Raines in 1707 at a cost of £22 which, when built, had no chimney. *MPCR*, IV, 335, 336, 342, 381.

¹¹⁹ Below, p. 27. Preble was County Treasurer.

¹²⁰ Below, p. 36.

¹²¹ Below, p. 51.

¹²² Below, pp. 82-83.

¹²³ Below, p. 130.

Desired the Court to take order thereabouts.”¹²⁴ This could mean either that the new gaol had not been finished or that it had not yet been built. Lewis Bean died on 25 June 1721, Treasurer Abraham Preble on 14 March 1723/4, and Sheriff John Leighton on 10 November 1724. In spite of the fact that all members of the committee to build a new gaol had died, there is no record of a new committee being appointed. In the settlement of Sheriff Leighton’s accounts after his death, there is no mention of prison expenses.¹²⁵ Nor is there mention of the prison in the regular accounts of the new sheriff, Captain Jeremiah Moulton.¹²⁶ He presented a bill for 9s:8d for mending the prison lock, providing a new key and “Speaks” after the escape of Thomas Edgley of Greenland from the gaol on the night of March 1726/7.¹²⁷

Other references to the gaol are beyond the scope of this volume. In 1735 a yard with boards was ordered, in 1736 Joseph Young, the jailer, received £5 for digging a cellar. In 1737 the court ordered an addition with a cellar to be attached to the existing building. In 1763, extensive repairs were made totalling £300 in expense. In 1792, the gaol was described as having only two rooms—the stone room, and the adjacent wooden room with a cellar beneath.¹²⁸

It seems probable that between 1720 and 1723, the structure proposed in 1719 was erected. The essential records—the accounts—are missing. The present gaol meets the requirements of dimension, and it is near the meetinghouse as ordered in 1719. Though no record of the purchase of land by the county at this time has been found, the present gaol is on land originally owned by the parish. It is obvious that the old gaol at York needs thorough study by a competent architectural historian.

ROBERT E. MOODY

January 11, 1974

¹²⁴ Below, p. 113.

¹²⁵ Below, p. 194 (6 July 1725).

¹²⁶ Below, pp. 218, 247.

¹²⁷ Below, pp. 250, 272. And see p. 234 for his expense in connection with the execution of Joseph Quason.

¹²⁸ George Ernst, *New England Miniature, A History of York, Maine*, Freeport, Maine, 1961, pp. 151-153.

York County Court Records

THE RECORDS OF THE COURT OF GENERAL SESSIONS
OF THE PEACE

From January, 1718–19

through

October, 1727

and including

selected papers from the files in the
office of the Clerk of Courts for York
County, Maine, and from the office
of the Clerk of the Supreme Judicial
Court, Suffolk County, Massachusetts

YORK COURT RECORDS, VOLUME VII, PAGES 1-142

OF THE RECORDS OF THE COURT OF GENERAL
SESSIONS OF THE PEACE

[YORK COUNTY COURT RECORDS:
The Court of General Sessions of the Peace,
from January, 1718–19 through October, 1727

THE original volume from which these records have been transcribed is doubtless that “book for Court records” which Joseph Hammond listed in the statement of expenditures for the County of York in the year 1718. (Below, p. 36.) The volume was bound in new boards early in this century; in its original state it probably measured approximately ten inches by fifteen inches, for two old parchment covers, trimmed and mounted inside the modern binding, are slightly under those dimensions. The pages are in excellent condition. They are very little worn, and are approximately nine inches by fourteen inches in size.

The clerks who served during the period used the same book for recording the business of both of the county courts: the Inferior Court of Common Pleas and the Court of General Sessions of the Peace. On the third page preceding the records of the former court is the notation:

“A Book for Court Records Began October 14th: 1718
J: Hammond Cler

At This End of the Book are Recorded the Proceedings in the
Inferior Court of Comon Pleas, And at the other End the Pro-
ceedings in the Court of General Sessions of the peace”

Thus, they did not enter the record of the two courts in succession, from front to back, but met the problem posed by the use of one volume for two sets of records by starting the entries of each court at opposite ends of the book, turning it “upside down” and numbering from each end to the middle. In a sense, therefore, there was originally no “front” to the book, although in the present binding the records of the Court of General Sessions of the Peace come first. Because of the duplication of page numbers which this method of recording brought about, it is necessary to indicate which one of the two sets of records is being referred to, when citing from the volume.

Preceding the entries for each court is an index of names, probably compiled by the clerk who was officiating when the book was filled up. For this volume the compiler would be Charles Frost, Jr. The index for the records of the Court of Sessions of the Peace takes up two pages. These were not

numbered. On a blank sheet two pages in front of this index appears, pasted to the sheet, a small slip of paper bearing the following notation:

“Attendance of Jurymen

York: Jurymen	1 day Each Court
Kittery Ditto	2 days
Wells Ditto	2 days
Barwick Ditto	2 days
Arrundel Ditto	3 days
Biddiford Ditto	3 days
Falmouth Ditto	4 days
Scarborough Ditto	3 days”

This memorandum appears to be in the hand of William Pepperrell, Jr., who was clerk from January, 1720-1721, to the end of 1724. It was doubtless a reminder for computing jurors’ pay, based on the number of days of service, including travel.¹

Following the second page of the index of names is a blank page, ruled in columns in anticipation of a continuation of the index. The entry for the first court, that of 6 January 1718-1719, begins at the top of the next page. Hammond began his numbering at this point; the entries follow in a completely regular manner, with no gaps or skipped pages. The clerk neglected to number the fourth and fifth pages, which are here designated 3a and 3b, respectively.

In addition to the records of the sittings of the court as contained in the original volume, the present edition includes transcriptions of selected papers from the York County files, and from the judgment books and file papers of the Superior Court of Judicature, Court of Assize and General Gaol Delivery. The method used in citing these additional materials has been described above.]

[7: 1]

ANNO REGNI REGIS GEORGII QUINTO

At a Court of General Sessions of the peace holden for &
within the County of York at York January the 6th 1718,
[19]

Present John Wheelwright, Wm Pepperrell, Charles Frost,

¹ An act, 1694-95 Province Laws ch. 24, set the allowance for each grand juror at two shillings *per diem*. (1 *Mass. Acts & Resolves* 194). This was amended in 1719, when the allowance was increased by one shilling; the reason given in the preamble was “the great price of provisions and other necessarys.” (1719-20 Province Laws ch. 13. 2 *Mass. Acts & Resolves* 156.)

Abram Preble, Jos Hammond & Lewis Bane Esquires, Justices for sd County

The Grand Inquest are as followeth vizt

Imprimis Jonathan Littlefield, Foreman

Timothy Waymouth

John Staple

Thomas Rice

George Berry

Benj'a Hatch

Zachariah Goodale

James Frost

Job Emery

Benj'a Stone

Joseph Young

Micum Mackintire

George Stover

Elizabeth Bly Appearing to Answer her presentment for haveing a Negro Bastard Child & being thereof Convict, Its Considered by the Court that She recieve fifteen Stripes on her Naked back at the post & pay fees of Court 11s: 6d. & Stand Comitted

John Look Appearing to Answer his presentment for Not frequenting the Publick worship of God & being thereof Convict But giveing reason why he So neglected & promissing reformation, Its Considered by the Court that he be Admonished & pay fees of Court 7s & to Stand Comitted

Thomas Gubtale Appearing to Answer his presentment for not frequenting the publick worship of God & being thereof Convict But giving Some reasons why he So Neglected & promissing reformation, Its Considered by the Court that he be Admonished & pay fees of Court 7s & to Stand Comitted

Abram. Lord & Margaret his wife Appearing to Answer their presentment for fornication, & Owning the fact, Its Considered by the Court that they Recieve Ten Stripes A piece on their Naked backs at the post & pay fees of Court 7s a piece or to pay a fine to the King of thirty Shillings a piece & fees as aforesd, & to Stand Comitted

William Grant Junior Appearing to Answer his presentment for fornication & owning the fact, Its Considered by the Court that he recieve Ten Stripes on his Naked Back at the post & pay fees of Court 7s or to pay a fine of thirty Shillings to the King & fees as aforesd & to Stand Comitted

[7: 2]

Joseph Woodsom Appearing to Answer his presentment for Cursing & owning the fact, Its Considered that he pay a fine of five Shillings for the use of the poor of the town of Berwick & fees of Court 7s & to Stand Comitted

Daniel Grant Appearing to Answer his Severall Presentments for

not frequenting the Publick worship of God, Vizt in April & July last & at this Court and for his Contempt as per the process is Set forth & being thereof Convict, Its Considered by the Court that he pay a fine of three pounds to the use of the poor of the town of Berwick & fees of Court 15s. And for his repeated Contempt of Authority to pay a fine to the King of Ten Shillings & to Stand Comitted

Whereas Rich'd Hazely of Kittery At the Last Court of Generall Sessions of the peace holden for this County on the first Tuesday in October Last presented his Petition & Complaint Seting forth that Joseph Roberts & Thomas Cox Both of the Town of Boston Caulkers Some time Since did Indent with him to Caulk five Saile of Vessells At Piscattaqua &ct, But the sd Indenture on the one part which was in the sd Hazelys hands was fraudulently Obtained from him & the other part which was [*illeg.*] in the hand of Wm Pepperrell Esquire one of his Majestys Justices of the peace for sd County was Counterfieted & Altered in Severall parts & parragraphs as per sd Petition & Compl't on File, The sd Hazely Enting into Recognizance to Proscicute sd Roberts & Cox for the Same, upon which a process Issued forth against sd Roberts & Cox for their Appearence at this Court to Answer the Same.² The sd Hazely, Roberts & Cox Appearing and the sd Indenture Being Produced Together with the Evidences, & all things relateing to the Same and the pleas on both sides being heard in the presence of the Grand Jury who went out thereon & returned their Verdict Vizt, they find the sd Indenture or Instrument to be Altered Since the first writing thereof But Canot find the sd Roberts & Cox to be Guilty. Its therefore Considered by the Court that the sd Rich'd Hazely Pay Costs of Court 1 lb: 7s: 6d: & to Stand Comitted till paid.

Peter Mathews Appearing to Answer his Two Several presentments for not frequenting the Publick worship of God & being thereof Convict, Its Considered by the Court that he Sit in the Stocks an hour & halfe he being unable to pay his fine & that he pay fees of Court 9s 6d. & to Stand Comitted

Hopewell Weare & Lydia his wife Appearing to Answer their presentment for fornication & owned the fact, Its Considered by the Court that they recieve Ten Stripes a piece on their Naked backs at the post & pay fees of Court 6s a piece, or pay a fine of thirty Shillings apiece to the King & fees as aforesd & to Stand Comitted

² Papers in this case will be found in *Prov. and Court Records*, V, 211-214.

[7: 3]

Moses Hanscom of Kittery Presenting his Petition to this Court Setting forth that he has for Sundry years last past for the most part Maintained & Suported his Antient Mother Anne Tobey of sd Kittery without any Assistance from those Improveing his fathers Estate, Praying for relief therein and that those nearly related may Assist in the Maintenance of his sd Mother³ & that he may have Some Allowance for the time past etc, Its Considered by the Court that Job Hanscom the Son & Thomas Hanscom the Grandson of the sd Anne Tobey be Serv'd with a Coppy of sd Petition & that they be Notified to Appear at the Next Court of General Sessions of the peace to be holden at York for sd County to Shew Cause if any they have why the Prayer of the sd Petition Should not be granted

Ordered that Eight pounds & Two Shillings be Allow'd & paid out of the County Treasury to John Wheelwright & Charles Frost Esquires & Mr John Sayward for their Service Nine days Examining the List of the Several Towns by order of the General Court

Mrs Alice Donnell her Licence Continued till July next

Captn John Leighton Sheriff of the County of York Informs this Court the Prison is Insufficient & desires it may be repaired⁴

Presentments Agreed upon by the Grand Jury at this Court are as follows vizt

We present Hopewell Weare & Lydia Young now the wife of sd Weare for Comitting Fornication	}	Answer'd
---	---	----------

We Present Peter Mathews for not frequenting the Publick Worship of God		Answer'd
--	--	----------

We Present John Davis for not frequenting the Publick
worship of God

We Present the Town of Berwick for not haveing a
Schoolmaster

We Present Wm Grant for not frequenting the Publick
Worship of God

We Present Daniel Grant for not frequenting the Publick Worship of God		Answer'd
---	--	----------

³ Cf. the basic poor law of the province, 1692-1693 Province Laws, ch. 28, sec. 9.
1 *Acts and Resolves*, 67-68.

⁴ See Introduction, *supra*, xxxii.

We Present Nath'l Kene for not frequenting the Publick
Worship of God

We Present Thomas Dearing for not frequenting the
Publick worship of God.

JONATHAN LITTLEFIELD Foreman

ANNO REGNI REGIS GEORGII QUINTO

At a Court of General Sessions of the peace holden for &
within the County of york at york Aprill the 7th 1719. Pres-
ent John Wheelwright, [*a name lined out*], Wm Pepperrell,
Charles Frost & Abram. Preble & Jos Hammond Esquires

The Names of the Grand Inquest are as followeth vizt

Jonathan Littlefield, foreman

Tim'o. Waymouth

John Staple

Thomas Rice

George Berry

Benja Hatch

Zachariah Goodale

James Frost

Job: Emery

Benj'a Stone

Joseph Young

Micum Mackintire

George Stover

[*The next two pages are unnumbered in the original, and are here desig-
nated 3a and 3b.*]

[7:3a]

The Grand Inquest for the year Ensueing being Sworn are as fol-
loweth

Joseph Moulton Foreman

Daniel Paul

John Wittum

Daniel Jones

Samuel Ford

Daniel Junkins

Eliakim Wardell

Joseph Bragdon

Samuel Savery

Sam'l Lord

John Wells

George Butland

George Jacobs

Nath'l Kene Appearing to Answer his presentm't for not Attending
the Public worship of God, he produceing Evidence that he had at-
tended as often as he Could by reason of his age &ca, Its Considered
by the Court that he be Acquitted paying fees of Court Seven Shillings

Thomas Dearing Appearing to Answer his presentm't for not At-
tending the Publick worship of God, & being thereof Convict, Its Con-
sidered by the Court that he pay a fine of Twenty Shillings to the use
of the poor of the Town of Kittery & fees of Court. 7s

The Town of Berwick Appearing by Elisha Plaisted, James Grant &
John Cooper Selectmen of sd Town to Answer sd Towns presentment
for want of a Schoolmaster, they makeing a Reasonable Excuse are
Acquitted paying fees of Court, 7s

Benjamin Hamons being bound over to this Court by recognizance by Joseph Hammond Esq'r one of his Maj'tys Justices of the peace for his Misdemeanour & unchristianlike behaviour Towards his mother Jane Hamons of Kittery As per the process & record Appears. The matter with all the Circumstances thereof being fully heard, Its Considered by the Court that the sd Benja. Hammons be publickly Admonished and Cautioned, And that he give bonds for his good behaviour till the next Sessions & that he pay Charges & fees of Court £2: 6s: 4.

Memorandum Benja Hamons Principle & Sam'l Hill Junior & Daniel Green Suretys all of Kittery in the County of York Acknowledge themselves bound unto our Sovereign Lord the King in the penal Sum of Ten pounds that the sd Benja Hamons Shall appear At the Next Court of Gen'l Sessions of the peace to be holden at York for sd County of the first Tuesday of July next & that he Shall be of good behaviour towards his Maj'ty & all his Liege people in the mean time.

[Y. F. 1719, No. 6.]

[1. *The first paper is a copy of the proceedings before Justice Hammond in his hand.*]

York Ss. To the Sheriff of the County of York his und'r Sheriff or Dept'y or Con-
Seal stables of the Town of Kittery or to any or Either of them Greeting.

Whereas Complaint has been made to me Joseph Hammond Esq'r one of his Maj'tys Justices of the peace for sd County by Jane Hammons of Kittery aforesd Widdow that her son Benj'a Hammons of sd Kittery has at Sundry Times of Late denied her Subsistence for the upholding of life & has thrown her out of Doors Struck Beat & Evily Intreated her Contrary to the peace of our Sovereign Lord the King his Crown & Dignity &ct

You are Therefore hereby required in his Maj:tys Name forthw'th to Aprehend the body of the sd Benj'a Hammons to bring him before me or Some other of his Maj'tys Justices of the peace for sd County to Answer what Shall be Objected Against him on his Maj'tys Behalfe relating to the premisses, hereof fayle not at your Perrill. Given under my hand & Seal at Kittery aforesd the 25th day of March in the fifth year of his Maj'tys Reign Annoque Domini 1719

J Hammond

You are also required to give personall Sumons to Margaret Williams, Elizabeth Rose, Sarah Kene, Withers Berry, Benja: Hutchins, Joanna Williams & Joanna Pike all of Kittery aforesd that they Also Appear & give Evidence to the truth of What they know relating to the premisses

Dated as above

per Jos Hammond J pac's

In Observance of the within Warra't to me Directed I have herewith brought the persons within Named March 26th 1719

Richard Gowell Constable

Vera Copia Exam'd Jos Hammond J pac's

York Ss

Kittery March 26th. 1719. Benj'a Hammons of Kittery being brought before me the

Subscriber one of his Maj'tys Justices of the peace for the sd County to Answer what Should be Objected against him on his Maj'tys Behalfe for his Misdemeanours towards his mother Jane Hammons of sd Kittery Widdow as per the process against him is Set forth & Expressed, Its Considered that the cause be removed ed [*sic*] to the next court of Gen'l Sessions of the peace to be holden at York for sd County on the first Tuesday of Aprill next & that he be comitted till he give Baile for his appearance Accordingly & also for his good behaviour in the mean time

Jos Hammond

Vera Copia Exam'd Jos Hammond J: pac's

[2. *Hammons's bond and recognizance.*]

Memorandum that on the 26th day of March in the fifth year of the Reign of Our Sovereign Lord George by the grace of God of Great Brittain France & Ireland King Defender of the faith Sct

Personally Came & Appeared before me Joseph Hammond Esq'r one of his Maj'tys Justices of the peace for the County of York Benjamin Hammons of Kittery in the County of York Yeoman Al's Shipwright and John Tompson & Thomas Rice of the Same place Yeomen & Acknowledged themselves Justly Indebted unto our sd Lord the King in the Summ of forty pounds to be Levied on their goods or Chattells Lands or Tennements for the use of Our sd Lord the King his heirs or Successors if Default be made in the performance of the Considerations following Vizt—

The Condition of this present recognezance is Such that if the above bounden Benj'a Hammons Shall personally appear before the Justices of Our sd Lord the King at the Court of Gen'l Sessions of the peace to be holden in York for the County of York aforesd on the first Tuesday of Aprill next to answer to Such Matters & things as Shall be Objected Against him on his Maj'tys behalfe Particularly for his misdemeanours Towards his mother Jane Hammons of sd Kittery Widdow, And Also that he be of Good behaviour Towards our sd Sovereign Lord the King & all his Liege People & Especially Towards the sd Jane Hammons his sd Mother in the Meantime, And Shall do & recieve that which by the Court Shall be then & there Enjoynd & not Depart without Licence, then this recognezance [*to be*] voyd & of none Effect or Else to remaine in full force Power & Vertue

J: Hammond

Vera Copia Exam'd Jos: Hammond J pac's

[3. *A single Sheet, containing copies of the depositions taken at Justice Hammond's hearing, 26 March.*]

Margaret Williams being Sworn Saith that within this two years She Saw her Brother Benj'a Hammons Strike her Mother Jane Hammons Several Blows & kick her about the house & that within this Two months She heard him threaten to Turn his sd Mother a drift in the Milpond. March 26th. 1719

March 26th. 1719

Jurate Coram Jos Hammond J pac's

Vera Copia Exam'd Jos Hammond J pac's

Eliz'a Rose being Sworn Saith that last Jan'y was Twelve Months She Saw her Brother Benja' Hammons Strike & Kick her Mother Jane Hammons on a Sabath day night when She was Eating a dish of broath & that at Severall times Since that time She has Seen him Strike & kick her sd Mother

March 26th. 1719

Jurate Coram Jos Hammond J pac's

Vera Copia Exam'd Jos Hammond J pac's

Sarah Kene being Sworn Saith that about a month or Six weeks Since, Benj'a Ham-

mons Came to Nath'll Kenes house & the Deponant ask'd him why he did not fetch his mother home he answered that if She Ever Came home againe he would Turn her into the milpond Sinking or floating or words to that purpose. She Told him She would be drowned & he would be hanged he replied that if She was drowned She must be buried. The Deponant Asked him why he beat his Mother he replied he would do it againe

March 26th. 1719

Jurate Coram Jos Hammond J pac's

Vera Copia Exam'd Jos Hammond J pac's

Benj'a Hutchins & Withers Berry being Sworn Saith that Some Time Last Sumer they were passing the road & heard a noyse in Benj'a Hammons house & Soon after Saw Jane Hammons Come Violently out of the house as if forcibly thrown out & saw her return into the house againe and imediately after saw her fall outside the door & saw her Son Benj'a Hammons hands on her. Berry further adds that he heard sd Jane Hammons Cry out Murder & call for help

March 26. 1719

Jurate Coram Jos Hammond J pac's

Vera copia Exam'd Jos Hammond J pac's

Joanna Williams being Sworn Saith that Some time Last fall of the year She was at Benj'a Hammons house & Jane Hammons told the Depona't that her Son Benj'a Had lately beat & abused her and that the rogue had Cutt her Arms with a knife and Shewed the Depona't the wounds which was two or three gashes which Seemed to be deep into the flesh. Some time after Benj'a Hammons came to the Depona'ts house and She reproved him for Abuseing his mother, he replied that he had thrown her down & would do it againe.

March 26: 1719

Jurate Coram Jos Hammond J pac's

Vera Copia Exam'd Jos Hammond J pac's

[The next depositions were taken before William Pepperrell, J.P. They are in the hand of William Pepperrell, Jr. but in each case the signature is that of Col. Pepperrell, his father.]

[4.] The Deposeshon of Abithah Carmon of full age Testifieth and Saieth that Sum time in this month [of] March On a Sunday that Elliz'a Rose came to this Depon'ts house & Said that her Brothers Damb⁵ basterd had taken a Twelve penny bill from her & said She wisht her Mother had carryed him into heell [Hell] w'th her upon her back, I this Depon't Desierd her not to Say so for that I believed She died a good Christian, She said if She had ben one She would Not have taken a false Oath

30 March 1719

taken upon oath Bee for me

Wm Pepperrell Js pc

[5.] The Deposeshon of Peter Lewis Jun'r and John Hutchings both of full age Testifieth & Saieth that sum time in Febuary Last we these Depon'ts being in the house of Mr Benj'a Hamonds and Jane Hamonds, the sd Benj'a Hamonds Mother had Sum words w'th Hanna Pike & the said Hanna Pike bid the Sd. Jane Hamonds hold her tong butt She called her cursed hore and sd She would not for her. The sd Benja Hamonds Spoke to his Mother & bid her be quit [*quiet?*] otherwise he would putt her out of doors; She then call'd him cursed roge & Indian doge & wisht he was in heell in a Shorte time: then sd Hamonds took her by the Sholders & putt her out of Doors; & She went to towards Mr. Jos Curttice. Seavreal more Profaine curses the Said Jane

⁵ Possibly "dumb."

Hamonds Utter'd W'ch we dont weell remember what they whare & forder Saith not Sworen tow bee for mee

Wm. Pepperrell
Js pes

[6.] The Deposeshon of Hannah Pike of full Age Testifieth & Saieth that Sum time in January Last I this Depon't heard Elliz'a Rose say that Benjamin Hamonds Deces'd wife had taken a false Oath:
30 March 1719

taken upon oath bee for mee
Wm Pepperrell J pes

[7.] [*Bill of costs*]

Bill Charge Hamons	
Warra't	0 : 1 : 0
7 Subpenas	0 : 1 : 2
Fileing papers	0 : 1 : 8
Swaring 6 Evidences	0 : 6 : 0
To Drawing & Copying them	0 : 6 : 0
To recognezance	0 : 2 : 0
To Copy writ & proceeding	0 : 3 : 0
Copy recognezance	0 : 1 : 6
	<hr/> 1 : 2 : 4
Clerk	0 : 2 : 6]

Daniel Green being bound over to this Court by recognizance by Joseph Hammond Esq'r one of his Maj'tys Justices of the peace for uttering diverse threatning Speeches against the person of Eugene Lynch as Set forth in the process on file, Its Considered by the Court that he be Admonished & pay Charges & fees of Court. £ 1: 0: 10*d*.

[7: 3b]

Eugene Lynch being bound over to this Court by recognezance by Joseph Hammond Esq'r one of his Maj'tys Justices of the peace for uttering diverse threatning Speeches against the person of Daniel Green as per the record & process on file, he makeing Default in Appearence his bond of Ten pounds is Declared to be forfeited to the King.

Nath'l Freeman Junior being brought to this Court for that he had Illegally Obtained his Indenture from his Master Benjamin Stone of York & haveing been Examined before Lewis Bane Esq'r one of his Maj'tys Justices of the peace & Acknowledged that he Opened the place where he thought his Indentures were & found a paper which he Supposed to be his Indentures and burnt them in the fire, The sd Nath'l Freeman Junior being Examined before this Court Concerning the premisses, but gave no answer, Its Considered by the Court that he recieve Ten Stripes on his Naked back at the post and that his Mas-

ter Benj'a Stone pay the Charges of Proscicution & fees of Court & that he Continue with his sd Master for the Space of five years from the first of June next being the Time of his Apprenticeship & that he Serve his sd Master four months afterwards to make Satisfaction for his lost time & the Charges above sd, being £2: 4s: 0d.

The Delinquent humbling himselfe before this Court & promissing reformation & also promissing to be faithfull & Serve out the time the Court have Assigned him And at the request of his Master, Its Considered by the Court that the Stripes be remitted Provided his Master give him due Correction in the presence of the Constable of York forthwith.⁶

The Petition of Moses Hanscom preferred to the Last Sessions further Considered, Job Hanscom & Thomas Hanscom being present were heard thereon. Ordered that Thomas Hanscom the Grandson pay to his uncle Moses Hanscom the one halfe the Charge he has been at for the Support of his mother the year now Almost Expired Ending the 7th of May next & Considering the Expence of sd Moses Hanscom the Time past, Ordered that from that time the sd Thomas Hanscom be at the Charge of Supporting his sd Grandmother for the Space of One whole year following, he haveing what rent Shall accrew to her from her husband Tobey's Estate for sd year & Afterwards the Charge Arising for her Support besides her Dower in both Estates to be born in Equall proportion between Moses & Thomas Hanscom untill further Order from this Court & that the Charges of Court be also Equally born by sd Moses & Thomas Hanscom, & that what goods the sd Anne Tobey has Shall be Taken Care of by sd Moses & Thomas Hanscom & Equally Divided between them.

[Y. F. 1719, No. 1]

[*Moses Hanscom's petition, in the hand of Joseph Hammond:*]

to the Hon'ble his Maj'tys Justices now Assembled in Gen'l Sessions of the peace at york for the County of York Jan'y 6th, 1718. The Petition of Moses Hanscom of Kittery in the County of York

Humbly Sheweth

that whereas your Petitioners father Thomas Hanscom late of Kittery aforesd dec'd dyed Intestate & Left an Estate [*word crossed out*] in Land [*three words crossed out*] in Quantity about Sixty Acres with a Dwelling house [and] orchard set thereon which

⁶ This was not the end of troubles between Stone and his apprentice. At the Inferior Court of Common Pleas sitting at York in January 1724/5, Nathaniel Freeman was plaintiff versus Benjamin Stone in a plea of covenant. Verdict and judgment for defendant. York Court Records, Book VII (Inferior Court of Common Pleas) page 94.

was worth more than one hundred & fifty pounds besides All his personall Estate, All which Thomas Hanscom the Eldest Son took into his possession & Improved the Same dureing his life without Ever taking out Administration thereon But after his decease Thomas Hanscom Son of Thomas Hanscom Jun'r Administred on the Estate as his Grandfathers & is now in the Possession thereof, and whereas your Petitioners Mother Anne Tobey is yet Surviving unto whom the right one third part of the said Estate doth belong & Since the death of her last husband which is thirteen years agoe your Petitioner has for the most part kept & maintained his said mother without any benefit by said Estate Either of her former or Later husband, & inasmuch as she is now grown very antient & incapeable in any measure to help herselfe your Petitioner is no longer able to Suport her being a poor man with wife & Six Small Children to provide for. Your Petitioner therefore Humbly Prays that your Honours would take the premises into your Consideration & order those nearly related to Assist your Petitioner in Suporting & maintaining his said Mother in Such proportion as in your Honours Great Wisdom Shall Seem meet & that he may have Some Allowance for the time past & your Petitioner as in duty bound Shall Pray &ca

Moses Hanscom

Vera Copia from the Original Exam'd Jos Hammond Cler

[On the reverse, an attached copy in the clerk's hand of the entry above, at 7:3]

[7: 4]

Richard Coller being bound over to this Court by recognescence by Sam'l Moodey Esq'r one of his maj'tys Justices of the peace by Compl't of the Commisioner of Excise for keeping a Comon Tipling house & Selling Strong Drink by retale without Licence as per the process & record, No Evidence Appearing Sufficient to Convict him he is Acquitted paying fees of Court 18s 8d

[Y. F. 1719, No. 6]

[1.] York Ss to the Sheriff of the County of York, His Deputy or to the Con-
Seal stable of the Town of Falmouth Greeting. For as much as Complaint has
been made to me the Subscriber, By the Commissioner for the Excise in
the County of York that Richard Collar of the Town of Falmouth doth take upon him
of his own authority not being thereunto lawfully licensd, to keep a common tipling
house & hath for sometime past practised the Selling of Rum, Cider & Strong Drink,
contrary to the Law in that case provided

These are therefore, in this Maj'tys name to require you, or either of you, to attach
the Body of the sd Richard Collar (if He may be found in your Precinct) & Him safely
keep that He may be brought before me at my House in Falm'th the 18th Currant at
four of the clock afternoon then & there to make answer to all & singular the Premises
that may be objected against Him, & be further provided Against according to Law
Hereof fail not at your Peril given under my Hand & Seal this Sixteenth day of March
in the 5th year of the Reign of His Maj'ty George by the grace of God of Great Britain
&ct. Annoque Dom. 1718/9

Sam Moodey Jus p *[Torn]*

You are also hereby required to summon John Wass, Peter Walton, John East & John Darling, who are required to appear at the time & place above mentioned then & there

to testify their knowledge concerning the premises, whereof they or any of them are not to fail upon their perills

[Reverse:]

York Ss.

Falmouth 18th March 1718/19

Memorandum—Richard Collar appeared this 18th day of March & Stands bound to our Sovereign Lord King George his Heirs & Successors in Recognisance of the Sum of ten pounds to appear & answer the within Complaints at his Maj'tys quarter Sessions of the Peace to be held at York in & for sd County of York on the first Tuesday in Aprill next—before me

Sam'll Moodey Just: pac

[2.] 1718-19 I Robert Burnell of full age Do testify that in the month of January last I was in Company with John Wass at the hows of Mr. Richard Collers where wee caled for Drink and payd for it

Mark of

Robt: † Burnell

York Ss

Falm'th March 21 1718/9

Robert Burnell personally appeared before me the subscribor & made Oath to the above written John Wass also testified to the truth of the same upon oath—Richard Collar being present

Sam'll Moodey Just: pac

[3.] 1718 I John Wass testify that I have Bought Drink at Richard Collars perteck-erly one the therd of November and sundre times Befoer and since—John Wass

Falm: March 18 1718/9

Peter Walton of full Age testifyeth & Saith that He was in company at Mr. Ric'd Collars & called for Drink w'ch He ordered sd Collar to charge to His account being on Jan'y 1 1718/9

March the 18

Peter Walton

Falmth 18 Mar: 1718/9

John Darling of full age testifyeth & Saith that sometime in the month of Feb'ry last past He the Depon't bought three Gallons of Cider at the House of Richard Collar for some fishermen then in town w'ch He the sd Collar credited him for

John Darling

Francis Lourd of full age testifyeth & Saith that some time in the month of October last He was at the House of Rich'd Collar & called for several potts of flip & paid His money & that Sundry fishermen wr there drinking in the House at the same time [*several words crossed out*] He: heard call the Reckning & Supposeth they paid mony for it

Francis Lourd

York Ss Falm'th March 18, 1718/9

The Above Named John Wass, Peter Walton, John Darling & Francis Lourd appeared & testified as above written & made oath to the same, Richd: Collar: present

before me—Sam: Moodey Just: Pac:]

John Davis Appearing to Answer Two Several presentm'ts at Two Successive Courts for not Attending the publick worship of God, &

being thereof Convict, Its Considered by the Court that he pay a fine of forty Shillings to the poor of the town of York & fees of Court 13s

Thomas Holms being Sumoned to Appear at this Court to Answer his presentm't for not Attending the Publick worship of God, he Sending his humble petition & Excuse that the wounds he formerly rec'd by the Indians had for Sometime past rendred him unable to go to the Publick worship of God as well & now preventing his Appearance in person, Its therefore Considered by the Court that he be Acquitted

Abigail the wife of Wm Grant Junior Appearing to Answer her presentm't for fornication, She owning the fact, Its Considered by the Court that She recieve Ten Stripes on her Naked back at the post & pay fees of Court 9s6d or pay a fine to the King of Thirty Shillings and fees of Court as aforesd

Abram Preble Esq'r Chosen County Treasurer & Sworn in Court. Ordered that forty-five Shillings be paid out of the County Treasury to Charles Frost Esq'r to purchase a book for records in the Court of Probates

Ordered that the Justices of Kittery & Wells & Berwick be Allowed four dayes for attending Each Sessions at York

Ordered that a warrant Issue out from this Court to the Sheriff to warn a Jury of Twelve men from the Towns of York, Kittery & Berwick to view & Lay out a Convenient highway from Wells to Saco Falls & to make return to July Court

The following persons are Licenced to retale Strong drink in their houses & keep publick Entertainm't untill the 29th of June next Vizt Wm Craige of Georgetown, Richard Collar of Falmouth, Abraham Morrell & Sarah Morgrage of Kittery

[7: 5]

Presentments Agreed upon by the Grand Jury at this Court are as follows

We Present Job Averel for not frequenting the Publick Worship of God

We Present Isaac Provinder for not frequenting the Publick Worship of God

We Present John Davis for not frequenting the Publick Worship of God

We present Thomas Webber for not frequenting the Publick Worship of God

We Present the Town of York for not mending the highway between Wells & Berwick

We Present the Town of Wells for want of a passable way over Josiah's river

We Present Wm Grant for not frequenting the publick Worship of God

We Present Daniel Grant for not frequenting the publick Worship of God

We Present Benja. Gutteridge for Swearing

We Present Sam'l Jordan Senior, Jedediah Jordan Senior, John Russell & his wife for not frequenting the publick Worship of God

We Present the Town of Kittery for not making the bridge Sufficient over Spruce Creek by Mr. Curtises it being Defective

We Present Capt Gray for Selling rum without Licence

JONATHAN LITTLEFIELD, Foreman

ANNO REGNI REGIS GEORGII QUINTO

At a Court of Gen'l Sessions of the peace holden for & within the County of Yorks at Yorks July the 7th, 1719 Present John Wheelwright, Joseph Hammond, Charles Frost, William Pepperrell, Abram. Preble, & Lewis Bane Esq'rs. The Grand Inquest at this Court are as followeth vizt

Imprimis Joseph Moulton, Foreman

Daniel Paul

John Wittum

Daniel Jones

Sam'll Ford

Daniel Junkins

Eliakim Wardell

Joseph Bragdon

Sam'll Savery

Sam'l Lord

John Wells

George Butland

George Jacobs

The Selectmen of Wells Appearing to Answer sd Towns presentm't for want of a passable way over Josiahs river, they haveing made a bridge Lately over the Same are Acquitted paying Fees of Courts 7s

Mary the wife of Thomas Gubtale Appearing to Answer her presentm't for not frequenting the publick worship of God She makeing a reasonable Excuse therefor is Acquitted paying fees of Court 10s

[7: 6]

Thomas Abbot Junior being bound over to this Court By Wm Pepperrell Esq'r one of his Maj'tys Justices of the peace for his forcibly Takeing away a beast Destrained by Daniel Stone Constable of Berwick & for Abuseing Striking & Evily Intreating the sd Constable as

per the Evidences produced against him, whereof he is Convict. Its Considered by the Court that he pay a fine to the King of Ten Shillings & fees of Court 27s8d. Also that he pay to the sd Constable Stone Eight Shillings & 5d being his demand for his rates & that he be Comitted untill [he] give bonds with Suretys for his good behaviour till the next Sessions

[In left margin:]	Justices	9s8d
	Stone:	6s
	Smith:	5s
	Cler:	4s6d
	Sher:	2s6d

[Y. F. 1719, No. 4]

[List of the rate payers in Berwick, February, 1718-19.]⁷

To the Constable of Berrwick in the County of York Greeting

In his Majesties name you are required to levy & Collect of the Several persons named in the list herewith committed unto you each one his respective proportion therein sett downe of the Sum total of such lists being fully agreed on and Granted by the free holders and other inhabitants of the said towne of Berrwick duly qualified and warned being convened at thire [sic] publick towne Meeting on the Ninteenth day of January 1718/19 Amounting to the Sum of thirty-foure pounds & to Deliver and pay in the Sum w'ch you Shall so levy & Collect unto Capt. Elisha Plaisted or his Hiers Treasurer for the Same being appointed by the Selectmen of the Said town & to Compleat and make up an Acc'ot of your Colection of the whole Sum at on or before the fifteenth day of May Next; and if any person or persons Shall neglect or refuse to make payment of the Sum or Sums whereat he or they respectively [are] assessed and Sett in the Same list, to Destrain the Goods or Chatteles of Such person or persons to the Value thereof and the Distress or Distresses so taken to keep by the Space of four days at the Cost and Charge of the owner & if the owner do not pay the Sum or Sums of Money so Assessed upon him with in the Said four days then the Said Distress or Distresses so taken you are to Expose and Openly sell at an out Cry for payment of Said Money and Charges, notice of Such Sale being posted up in some publick place within the Same towne twenty four hours Before hand and the over plus coming by Said Sale if Any there be [illeg.] of the Sum or Sums of the Assessment and the Charges of taking and keeping of the Distress or Distresses to be Imeaditly restored to the owner; and for want of goods or chattles where on to make Distresses You are to Seize the body or bodies of the person or persons so refusing & him or them commit unto the Common Goal of the Said County there to remaine untill he or they pay and Satisfy the Several Sum or Sums where at they are respectively assessed as afforesaid Unless upon application made to the Court of General Sessions of the peace the Same or any part there of Shall be abated

⁷ The following item was brought in at the proceedings against Thomas Abbott, Jr. It is a valuable record of the rated inhabitants of Berwick for this period. The mark "x" that appears next to some of the figures is in the original.

Deated at Berrwick afforesaid
the ninth of february 1718/19

Elisha Plaisted
John Cooper
James Grant
Sam'll: Plaisted

A true Copey of the Origenal List
Examined per Humphrey Chadbourn Town Clerk
Errors Excepted

[Column 1]							
Cap. Sam'll Plaisted	2	3	0	Jno Abbot	0	10	0
John Holmes	0	0	0	Walter Abbot	0	9-	0
Joseph Pray	0	9[?]	0	Joseph Geillison	0	4	0
William Grant	0	8	0	Daniel Goodwin	0	10	0
Gabril Hambleton	0	2	0	Phillip Hubberd	0	14-	0
Abel Hambleton	0	0	0	John Hooper	0	14-	0
Rich Tozier	0	12-	6	Dan'l Stone	0	x	0
John Key	0	9[?]	6	Thomas Butler	0	9	0
Timothy Wentworth	0	9x[?]	0	Nath Lord Sen'r	0	15-	0
Thomas Gubtail	0	3	0	Nath Lord Jun'r	0	7x	0
James Frost	0	5x	4	Richard Lord	0	7-	0
Jno Smith	0	6-	6	Sam'l Lord	0	6	0
Jno Haines	0	1	6	Mrs Abigail Hodsden	0	0	0
Sam'l Savery	0	3	0	Joseph Hodsden	0	9x-	0
Josiah Goodrige	0	5	6	Sam'l Hodsden	0	7	0
Joseph Abbot	0	10-	6	Richard Shackley	0	7	0
Tho: Abbot Jun'r	0	4x	0	Bial Hambleton	0	6x	0
Moses Spencer	0	4	6	John [Fall?]	0	4	0
Jonathan Stone	0	9	0	Richard Randel	0	5	0
William Lord	0	10	0	Rog Plaisted	0	8x	0
Robert Knight	0	12-	0	Tho: Hearl	0	3	6
Humph: Chadbourne	0	12	0	Moses Goodwin Jun	0	5	0
Cap. Elisha Plaisted	1	[blur]x	0	Mrs Mary Hill	0	5	0
Benjamin Libbey	0	[?]		Joseph Woodsum	0	3	4
Jno Thomson	0	6	0	[End of Column 2]			
Alexander Gray	0	6x	0	Thomas Abbot Sen	0	2	0
Mrs Mary Spencer	0	6-	0	James Hearl	0	0	0
William Hearl Sen	0	6	0	John Legro	0	3	6
William Hearl Jun	0	4	0	William black	0	3x	0
Samuel Bracket Sen	0	3	0	Jno: Stimson	0	0	0
Sam'l Bracket Jun	0	3	0	Thomas Holmes	0	4	0
William Chadbourn	0	8	0	Gilbert Warren	0	3	0
Benjamin Nason	0	6	0	Nich Geillison	0	0	0
[End of Column 1]				Frances Harlo	0	4-	0
Deliverance Goodwin	0	2	0	Alexander Grant	0	3	4
James Gray	0	5-	0	Edward Walker	0	3	0
James Warren	0	6	0	Elisha Andros	0	3x	0
Baker Nason	0	8	0	James Gerrish	0	3	0
Benjamin Lord	0	4-	0	Samuel Allen	0	3	0
John Cooper	0	6x	0	Nath: Goodwin	0	0	0
James Grant	0	6	0	William Childe	0	3-	6
Moses Goodwin Sen'r	0	8-	0	Nath Gubtail	0	5	0
James Emery Sen'r	0	6x	6	Mary Hodsden	0	12	0
				Judith Meeds widow	0	3x	6

Walter Allen	0	3	0	Wm Wadley	0	0
Andrew Walker	0	3	0	Dan Wadley	3	0
John Lord	0	3	6	Nich: Morril	2	0
Joseph Hart	0	4	0	Silva Wentworth	3	0
Joseph Chadbourn	0	6x-	0	[Val Sealy?]	3	0
Ebenezer Boltwood	0	3	6	Wm fitzSimmons	3	0
Miles Thomson Jun	0	4	0	Robert Newel	3	0
Thomas Woster Estate	0	2	0	Miles Thomson Sen	3	6
Grindel Knight	0	4	0	[one name crossed out]		
Stephen Hurdeson	0	5	0	Abra Lord	3	6
Etherington Hearl	0	4x-	0	Job Emery Sen	4	0
William Goodwin	0	3	0	Job Emery Jun	3	0
Mrs. Mehetabel Goodwin	0	7	0	Alexander Taylor	3	0
Benonia Bragdon	0	1	6	George Houstown	3	0
Samuel Goodwin	0	3	0	Peter Grant	3	0
[End of Column 3]				Wm Grant Jun'r	3	0
Simon Whitman	3	0		Mrs Wm Wilson	10	0
James Emery Jun	5	0		Sam Getchel	3	0
John Hubberd	4	0		Joshua Waymouth	3	0
John Randel	3	0		Tho Hutchens	3	0
William Clark	4	0		Moses Roberts	3	0
Richard [Nason?]	4	0		Wm. Jones	3	0
Daniel Grant	3	6		Hump Marshal	3	0
Edward Andros	3	0		Robert Gray	3	0
John Gray	3	0		[End of Column 4]		
Miles Goodwin	3	0				

Jerediah Jordan Appearing to Answer his presentm't for not frequent-
ing the Publick worship of God and being thereof Convicted Its Con-
sidered that he pay a fine to the use of the poor of the Town of Kittery
of Twenty Shillings & fees of Court 7s

Sam'l Jordan Appearing to Answer his presentm't for not frequent-
ing the Publick worship of God, he Produceing a Certificate that he
has been Sundry Times of late at the Publick worship at New Castle,
Its Considered that he be Acquitted paying fees of Court 7s

Capt'n John Gray Being presented At the Last Sessions for Selling
Rum by retale without Licence he presenting his Petition praying the
hearing there of be Continued till the next Sessions, Its Accordingly
Considered by the Court that the Presentm't be heard and answered at
the next Sessions.

Benjamin Gutteridge Appearing to Answer his presentm't for pro-
phane Swareing & being thereof Convicted, Its Considered by the Court
that he pay a fine of five Shillings for the use of the poor of the town of
[Kittery stricken out] Berwick & fees of Court 7s

Benja. Hamon Cleared of his bond for the good behaviour by proc-
laimation.⁸

⁸ *Supra*, 9.

Diamond Sargent being bound over to this Court by Joseph Hammond Esqr. one of his Majestys Justices of the peace for sd County for forging, altering or Oblitterating Some words in a Certain return or Instrum't in writing Signed by Daniel Emery Surveyor for Kittery Dated the 17th. of June 1714, and for altering the record thereof as per the process & Examination before sd Justice, he appearing in Court and Acknowledging the facts as Set forth in his Examination before sd Justice, and Desired to be Tryed by the Justices: of this Court. Its Considered by the Court that he give Bonds with Sufficient Suretys for his Appearance at the next Court of Gen'll Sessions of the peace to be holden at york for sd County upon the first Tuesday in October next to answer the Same: & for want [of] Suretys to remaine in prison till sd Sessions

Memorandum Diamond Sargent principle & John Woodbridge & George Davis Suretys all of york in sd County Acknowledge themselves to be holden & Stand firmly bound & Obliged Joyntly & Severally in the penal Sum of fifty pounds Lawfull money to be paid to our Sovereigne Lord the King his heirs & Successors if the sd Diamond Sargent Shall make default in appearence as abovesd, and that he abide the Sentence of the Court thereon & not depart without License

Taken In Court

Per J. HAMMOND *Cler.*

[7: 7]

William Grant being brought to this Court by a Special Warra't to answer a presentm't of the grand Jury Exhibited against him in January Last for not frequenting the publick Worship of God, also Another presentm't for the Same Crime in Aprill last & to answer his Contempt in not Appearing in April last when Serv'd with Lawfull process and Also for his disorderly Absconding from this Court to avoyd Justice; Its Considered by the Court that he pay a fine for the use of the poor of the Town of Berwick of forty Shillings & fees of Court 1 lb: 6: 0d: He Aledging that he was necessarily detained in April and that he did not go from this Court out of any Contempt of Authority, Its Considered that he be Acquitted as to his Contempt.

[*In right margin:*] Sher 5s
 D. Sher: 9s
 Cler 11s

The Selectmen of Kittery Appearing to answer a presentm't Ag'st

sd Town for not repairing the bridge over Spruce Creek by Mr. Cur-
tises, Its Considered that an order go from the Clerk to the Surveyor
of highways for Kittery to repair sd bridge forthwith & that the sd Town
pay Costs of Court 8s

[In right margin:] Cler 4.6
 Sh 2.6
 Const 1.0

Isaac Provinder & Job Averel Appearing to answer their presentm'ts
for not frequenting the publick worship of God, They makeing a rea-
sonable Excuse therefor are Acquitted paying fees of Court—Seven
Shillings apiece.

Thomas Webber Appearing to Answer his presentm't for not fre-
quenting the public Worship of God & being thereof Convict; Its Con-
sidered by the Court that he pay a fine of 9s [*possibly 8; not clear*] to
the poor of the Town of York and fees of Court 7s

Ordered that the Sheriff be directed by a warra't from this Court to
warn & Sumon a Jury of Twelve men from the Towns of York, Kittery
& Berwick to view & Lay out a more Convenient Way from Cape nedick
river to Josiahs river So Called in the Town of Wells & So to the Town
of Wells & from thence to the falls on Saco river and to Cause the sd
Jury to be Sworn as the Law directs, and to make return of their doings
into the next Sessions.

The Selectmen of York Appearing to Answer sd Towns presentm't
for want of a Sufficient Way between Wells & Berwick they haveing
Amended sd Way Since Last Sessions are Acquitted paying fees 7s

Mrs. Mary Plaisted Presenting her petition & Compl't Alledging that
She is very much Damnified in her Marsh lying in the old mill Creek in
York by reason of Joseph Moulton Stoping the Water & flowing the
Same by Seting up a mill on sd Creek; Ordered that the Sheriff Sum-
mon a Jury of good & Lawfull men upon their Oaths to view the Dam-
age done & to Estimate the Same as the Law in Such Cases directs &
make report to the next Sessions.

[7: 8]

Capt'n. John Leighton Sheriff of the County of York Presenting his
Acco't from July 3d. 1717 to July 9th. 1719 Accounting in the wholl
to The Summ of thirty four pounds one Shilling & Six pence which
Acco't was Allow'd and passed for paym't out of the County Treasury

Att. JOS HAMMOND Cler

[Y. F. 1719, No. 4]

[Sheriffs Acco't.

July 1719

		May 4th The County of york Dr to John Leighton Sheriff of Said County		
Omitted in former acct	{	1717	lb	S D
		To Takeing acare of the precepts for Representatives	2-	0-0
		To Warrants to ye Constables to warn Jurymen for the Supearious Court . . .	0-	12-0
		To makeing out precepts to Each town . .	0-	8-0
		Prison Salery	3-	0-0
July 11th	{	To Sending proclamations for a fast	0-	12-0
		To Sending warrants for for the provence tax	0-	12-0
September 25th	{	to Sending proclamations for prorouging the General Assembly . . .	0-	12-0
December 10th		to Sending warrants for Jury men for the court	0-	12-0
Janeuary:		for ajourning the General Court	0-	12-0
February 21st		to notifying Commition officers to apear at york	1-	3-0
		to John Kingsbery for Iron for the prison	1-	10-0
		to whipping Read and a gard over him 24 hours ⁹	1-	6-0
		to Reads fees of Court he having brook prison	1-	17-0
April 1st 1718		for ajourning the General Court	0-	12-0
		for takeing acare of precepts for Representatives	2-	0-0
Ditto		for Sending warrants for Jurymen for the Supearious Court	0-	12-0
		to makeing out precepts to Each town	0-	8-0
		to prison Salery	3-	0-0
		to Sending proclamations to dissolve the General Court	-	12-0
July		to the prison keeper	2-	0-0
		Ditto to work Done to the prison by John Kingsbeary	2-	3-6
August 2d Ditto		to the province tax	0-	12-0
27th		for caleing mony Sined by three hands	0-	12-0
		for adjourning the General Court	0-	12-0
Septm 22d		for prorouging the General Court	0-	12-0
March 7th		for sending letters to Colenal Wheelwright and Capt. Bane to appear at the General Court	--	8-0
31st		for a fast	0-	12-0

⁹ See *Prov. Ct. Records*, V, liv, 199-201, for the case of Thomas Reed.

April 16th	for dissolveing the General Court	0 - 12 - 0
23d 1719	for takeing care of precepts for Representatives	2 - 00 - 0
	to makeing out precepts to Each town	0 - 12 - 0
	for sending warrants to the Constables of Each Town	0 - 12 - 0
	for Jurymen for the Superiour Court . . .	0 - 12 - 0
July 9th	To paid the prison keeper Sallary	2 - 0 : 0
1719	Other Side brought over	32 : 1 : 6
		<hr/> 34 : 1 : 6
	Exam'd & Allow'd in Court July 9th 1719 & pass'd for paym't out of the County Treasury.	

Att'st J. Hammond *Clerk*]

Licence is granted by this Court to the Several persons following to keep publick houses of Entertainm't &cta

John Woodbridge, John Stover & Alice Donnel for the Town of York. Abram Preble Esq'r retailer for sd Town

Capt'n John Heard, Mr. Joseph Curtis, Peter Staple, Robert Mitchell, Nicholas Morrell, Abraham Morrell, Sarah Morgridge, Sarah Hix & Mary Rice for the Town of Kittery

Joseph Abbott for the Town of Berwick

John Wass & John Prichard for the Town of Falmouth

Sam'l Moodey Esq'r retailer for sd Town

William Dyer for the Town of Biddiford

Jacob [Dormon?] for the Town of Arundell

John Butler for the Town of George Town

Benja Purrington for the Town of Augusta

James Fly had Licence granted him by this Court to keep a Ferry over blackpoint river dureing the Courts pleasure & that he keep a boat for Convenient passage of men & horses & that the fare or price be 10*d* for a horse & 5*d*. for a man & no more

Licence is also granted to John Pritchard to keep a Ferry over Casco river vizt from Casco Neck to pappaduck Side dureing the Courts pleasure and that he keep a boat for Convenient passage of men & horses & that the fare or price be 10*d*. for a horse and 5*d*. for a man & no more.

Licence granted to Rich'd Collar for three months to retale Strong drink within door & without

Presentments made by the grand Jury at this Court are as follows vizt

We Present Allexander Tompson of York for being drunk & fighting
 We Present John Amme of Kittery for Swareing

JOSEPH MOULTON Foreman

[*In the left-hand margin:*] Capt'n John Leighton Sheriff of the County of York protested in Court ag'st the County Goal as being Insufficient and desired the Court to take order thereabouts.

ANNO: REGNI REGIS GEORGII SEXTO

At a Court of General Sessions of the peace holden for &
 within the County of York at York October the 6th. 1719.
 Present John Wheelwright, Wm Pepperrell, Abram: Preble,
 Jos Hammond, Lewis Bane Esquires

[*Beneath this entry the words: N Bane 2 dayes*]

[7: 9]

[*One word stricken out*]

The Grand Inquest are as follows Vizt.

Imprimis Joseph Moulton foreman

Daniel Paul

John Wittum

Sam'l Ford

Daniel Junkins

Eliakim Wardell

Joseph Bragdon

Sam'l Savery

Sam'l Lord

John Wells

George Butland

George Jacobs

John Amee Appearing to answer his presentm't for Curseing and being thereof Convict, Its Considered by the Court that he pay a fine of five Shillings to the poor of Kittery & fees of Court 7s & Stands Comitted

Allexander Tompson Appearing to Answer his presentments for Excessive Drinking & for fighting, Its Considered that he recieve Ten Stripes on his naked back at the post & pay fees of Court 9s or that he pay a fine to the King of five Shillings and Also five Shillings to the poor of York & fees of Court as aforesd & Stands Committed till paid.

Licence is granted by this Court to Sam'l Jordan of Bidiford, Paul Wentworth of Kittery, John Wells of Wells & Charles Trafton of York to keep houses of Publick Entertainment in the Several Towns respectively untill the 29th. of June next

Cap'tn John Leighton Sheriff of this County Continues his Compl't against the County Goal it being yet Insufficient

Ordered that Falmouth, Bidiford & Arundell Send Each of them one Grand Jurior the next year

Jacob Ramich Junior of Kittery Presenting his Petition to the Court Shewing that he is greatly Damnified by the Country road runing through & across his land near Gowell's bridge &ca; ordered that the Sheriff warn a Jury from the Towns of York & Berwick to view & Lay out sd Way According to the Direction of the Law, the Petitioner paying one halfe the Charge that Shall arise thereabouts.

[Y. F. 1719, No. 4]

[*Outside:*] Jacob Remick's Petition

[*Inside: the petition, in the hand of William Godsoe.*]

To the Honourable his Majestyes Justices of the peace Assembled in Generall Sessions att York the first Tuesday in october Instant Jacob Remick of Kittery presents his Humble petition to your Honours

Most humble shewing that where as yo'r honors Petit'r is possest of a tract of Land in the township of Kittery that was the Land of his Late father in Law John Soaper near a place vulgarly Called Gowell's Bridg and for as much as the sd tract Being But twenty acres and By Reason of two high wayes which almost meet in the uper part thereof Cuts the sd tract in three Peices and Causes Yo'r petitioner to make two Double fences a Crose the Said Land and a fence on Each Sid. On[e] of the said fences is occasioned By Reason of the next Neighbour Leaving out a Lane for his own use to Come and Goe to his own Land and the other the Countrey Road, all which proves Vastly chargable to yo'r Honors petitioner and almost Renders the sd tract of Land use Less, the Charg Being so Great in fencing: and for the Reasons above sd yo'r petitioner humble prays that the high way may Be so altered that yo'r petitioner may make But on[e] Cross fence athirt the sd Lane and so the two Roads Be Brought into one which will Be an extraordinary favor to your honors petitioner in easing him of so Great a charg and the way as Beneficiall to the publick and approved of by most of the neighbourhood whose names are under writen; humble hoopeing that your honours will Be pleased to take into Consideration what your petitioner has Said Down Before you in Granting his petition and Rests your humble servant in all obedience.

Jacob Remich Junyer

[*Following Remich's signature appears this listing of neighbors referred to in the petition.*]

Daniel paul	John Addams	John paul
Richard Gowell Jun'r	James Spinney	Richard Rogers
William Gowell	John Dennet	frances [<i>illeg.</i> Peirce?]
John Tompson	John fernald	Daniel Green
Jacob Remich Sin'r	James fernald	John Stapel
Samuel Spinney	Thomas Knight	Peter Dixson]
Nathaniel fernald		

Ordered that the Sum of Two hundred pounds be Assessed on the Inhabitants of this County to be paid into the County Treasury, one halfe thereof in March & the other halfe in July next. And the Treasurer is hereby directed to Issue out his Warra'ts to the Selectmen of the Several Towns accordingly in Proportion following vizt.

Kittery, Sixty four pounds, Nine Shillings & two pence	£ 64: 9: 2
York, Fifty one pound Eleven Shillings & nine pence	£ 51: 11: 9

Berwick, Thirty Seven pound & Nineteen Shillings	37: 19: 0
Wells, Thirty pounds & one peney	30: 00: 1
Falmouth, Seven pounds, Bidiford Six pounds	
Arundell three pounds	16: 00: 0
	<hr/> 200: 00: 00

[7: 10]

In Answer to the Petition of Mrs Mary Plaisted to the Last Court, the Sheriff haveing Sumoned a Jury & Been on the Marsh which She Aledged in sd Petition to be Damnified by Joseph Moultons Dam Stoping the Water, who return'd their verdict to this Court upon their Oaths that the Dammage which She has Sustained in her sd Marsh the Eight years past is thirty Two Shillings [Its *stricken out*] as by the Jurys verdict on file. Its therefore Considered by the Court that the sd Joseph Moulton pay the Costs which have Arisen by sd Complaint being 5 *lb. 6s. 6d.*

[In left margin:] Costs
 Sh: 3:10:6
 Pl: 1:16:0

 5: 6:6

Ordered that Abram Preble Esq'r. Take Care that the County Goal be forthwith repaired & lay his acco't before the next Sessions for paym't

Ordered that a prison of thirty foot long Eighteen foot wide & Eight foot wall be built with Stone or brick in the Town of York & Suffi- ciently Covered with Timber to be finished at or before the Last day of June next At the Charge of the County. That the Old prison & the Land it Stands on Shall be disposed of & a piece of land purchased near the meeting house in sd York to build the new prison upon. And That Abram. Preble & Lewis Bane Esquires & Cap'tn. John Leighton be a Comittee with full power to Accomplish the Same & that they keep a Just acc'ot of their proceedings therein & lay it before this Court for Allowance.¹⁰

Diamond Sargents Bonds being Continued to this Court from the Last Sessions^{10a} for forging, Altering or obliterating Some words in a Certaine return &ca. as per the record & process (& record) appears. Its Considered by the Court that he give baile for his Appearance at the next Court of Assize & Gen'l Goal Delivery to be holden for this

¹⁰ See Introduction, *supra*, xxxii.

^{10a} See Rex v. Sargent, *supra*, 21.

County & Stands Committed till he get Baile for his appearance as aforesd.

Memorandum Diamond Sargent principle & John Woodbridge of York & Joseph Brown of Newbery Suretys Acknowledge themselves to be holden & Stand firmly bound & Obliged Joyntly & Severally in the penall Sum of Fifty pounds to be paid to our Sovereign Lord the King his heirs or Successors if the sd Diamond Sargent Shall make default in Appearances as above sd & that he Abide the Sentence of the Court thereon & not Depart without Licence. Taken in Court as Attests

JOS HAMMOND *Cler*

[Superior Court of Judicature, Court of
Assize and General Gaol Delivery.
Court held at York, 10 May 1721.
Sewall, CJ, Lynde, Dudley, Quincy, JJ

* * * * *

Dom Rex

v

Sergeant, &c

Dominus Rex Plan't. vs. Diamond Sergeant of York in the County of York, Taylor, Joseph Curtis of Kittery in Said County yeoman, and William Beale of York in Said County, Labourer, Defen'ts, On a writ of Scire Facias to Shew Cause &ca as by the same bearing Date the 14th of December 1720 is at large set forth; It's Considered by the Court that the Said writ of Scire Facias be dismissed there appearing no such Recognizance as is Set forth in the Same.

Records, Sup. Court of Judicature, etc.,
1721-1725, Folio 3, *verso*.]

Ordered that a warra't Issue out to the Sheriff or his Dep'ty to apprehend & Secure Daniel Grant So that he be had at the next Sessions to Answer for his repeated Contempts of Authority & for his former Severall presentm'ts.

[7:11]

[*In right margin:*] highway from York to Saco falls
York Ss.

To the Sheriff of the County of York his under Sheriff or Dep'ty
Greeting

You are hereby required in his Maj'tys Name to Sumon a Jury of Twelve good & Able men from the Towns of York, Kittery & Berwick and with them to view and lay out a Convenient highway from Cape nedick river to the Little river Called Josiahs river & thence into the town of Wells & from the sd Town of Wells Eastward to the falls on

Saco river, which men you are to Cause to Come before Some one of his Maj'tys Justices of the peace within sd County & to have an Oath Administred unto them to Lay out sd wayes According to their best Skill & Judgm't with most Conveniency to the Publick & least prejudice or Damage to any particular person. hereof fayle not to make due return of your doing herein as well under your own as the hands of the Juriors by whose oath the Same is laid out, to the next Court of Gen'l Sessions of the peace to be holden at York for the County aforesd upon the first Tuesday of October next to the End the Same may be Allowed & recorded & after known for a Publick highway.

Dated the 17th day of July in the fifth year of his Maj'tys reign
Annoque Domini 1719

per Curiam JOS: HAMMOND *Cler.*

York Ss. October the 2d: 1719.

Pursuant to the within warrant we the subscribers being Sumoned by the Sheriff of the County of York & being Quallified as a Jury to view and Lay out a Convenient road from Cape nedick river to Saco falls, have met Together & According to the Warrant directed to sd Sheriff have begun at Cape nedick river & gone the Way to Wells as the road now goes till it Comes near to Jacob Perkinses, & from thence to Turn out upon the left hand as the trees are marked till it Comes to Josiahs river above the first falls, thence through the Town of Wells as the road now goes to the Corner of Nath'l Clarks field upon the Left hand & from sd Corner between Clark & Coles land till we come opposite the head of Cousinses land, then through Coles land to sd Cousinses land, from thence between Cousinses & Coles as the line runs till We come to the Little river where the old way formerly was, from thence keeping the Old way till we Come to Mousum river & from Mousum river as the road now goes to Kenebunk river to the usual Wadeing place below the Mill, thence keeping the Old road to Saco Lower falls below the old fort, which way we have viewed and laid out to the best of our Judgm'ts.

Witness our hands.

	Arthur Bragdon	Wm Leighton
Jno: Leighton Sher	Nich'o. Gowen	John Shaw
	Benj'a. March	Wm Bracey
	John Booker	Tho's Baker
	Walter Abbot	Sam'l Johnson
	Thomas Butler	Lewis Bane Junior

The Above return was Exam'd & Allow'd in Court October 7th:¹¹ 1719 & the Charges thereof passed for paym't out of the County Treasury as per the Acco't thereof on file

Att. JOS HAMMOND *Cler.*

[7: 12]

Presentments made by the Grand Inquest to this Court are as follows, vizt.

We Present John Dearing of Kittery Marriner for breach of Sabath in breaking ground & Sayling out of York harbour.

We present Mary Dill the reputed wife of Benjamin Hutchins of Kittery for fornication

JOSEPH MOULTON, Foreman

ANNO REGNI REGIS GEORGII SEXTO

At a Court of Gen'l Sessions of the peace holden for & within the County of York at York January the 5th 1719/20. Present John Wheelwright, [*several names lined out*] Joseph Hammond, Charles Frost, Abram. Preble & Lewis Bane & John Gray [*interlined*], Esquires

Grand Juriors Vizt

Imprimis Joseph Moulton Foreman

Daniel Paul

John Wittum

Daniel Jones

Sam'l Ford

Daniel Junkins

Eliakim Wardell

Joseph Bragdon

Sam'l Savery

Samuel Lord

John Wells

George Butland

George Jacobs

Jonathan Nason & Job Emery presenting their Petition to this Court Setting forth that Each of them did formerly Bind out a Son to Abram. Morrell of Kittery Blacksmith, to learn his Trade as by the Indentures produced in Court. The sd Morrell haveing been gone from home this Two months & is Not to be heard of in this Province, his wife haveing Brok up housekeeping, the sd Aprentices are out of any family Governm't; Its Considered by the Court that the sd Job Emery & Jonathan Nason Take Care of their respective Children as they might have done before the makeing of sd Indentures which are now voyd & of none Effect.

Capt'n. John Gray appearing to answer his presentm't for Selling Rum without Licence he Aledging that the necessity of Some of the

¹¹ The original return is to be found in Y. F. 1719, No. 5.

people of Bidiford Obliged him to Supply them with a Smal Quantity of Liquor & that he thought his So doing no Breach of Law. Its Considered that he be Acquitted paying fees of Court 7s.

Licence Granted to Benj'a March of Kittery to keep a publick house of Entertainm't near the Meeting house in the uper part of Kittery

[7:13]

Joseph Hammond Esq'r makeing Aplication to this Court Shewing that the Selectmen or Assessors of Kittery have over rated him in a parrish rate made Aug'st. the Eighth 1719 the Sum of 1 *lb.* 5s: 6*d*, being Set in the sd List at 12s6*d* Faculty,¹² which is wholly abated by the Court & So much of what is Set upon his real Estate &c as makes the whole Abatem't to be 25s 6*d* as above, the remainder of sd rate being 2 *lb.* 7s: 3*d*.

Also sd Hammond is Abated out of the Town rate made the 9th of Dec'r. 1719 the Sum of 9s3*d*, the remainder of sd rate being 1 *lb.* 3s: 8*d*.

Charles Frost Esq'r Also makeing Aplication to this Court Shewing that the sd Selectmen or Assessors have over rated him in a Province & Town rate made in Aug'st 1719 the Summ of 5s8*d* & in a parrish rate made Aug'st the 8th 1719 the Sum of 5s beeing Set So much in the List of rates for faculty, the whole being 6s8*d* which is Accordingly Abated by the Court

Joseph Abbot Junior being bound over to this Court by recognezance by Joseph Hammond Esq'r one of his Maj'tys Justices of the peace for sd County, for his Appearence to Answer what Should be Objected ag'st. him on his Maj'tys Behalfe for Committing the act of fornication with Esther Hodsden, being by her Accused for being the father of a Bastard Child begotten on her body of which She made oath in Court January 29th. 1716/17¹³ The sd Abbot makeing Default & not Appearing, Its Considered by the Court that his Recognezance be declared forfeited & that a process Issue out of the Clerks office Against the sd Joseph Abbot principle or Jonathan Nason of Kittery yeoman or Robert brooks of Bidiford Labourer, Suretys for the Sum of Sixty pounds to be Levied on their goods or Chattells lands or Tenem'ts for the use of our Sovereign Lord the King unless the sd Principle or Suretys Shall Appear at the next Sessions & Shew reason to the Contrary.

John Woodbridge being bound over to this Court by recognizance

¹² Faculty: faculty tax, income tax. "Faculty tax on all personal estates." *O.E.D.*, IV, 15-16.

¹³ See *Province and Court Records*, V, 191.

by Jos Hammond Esq'r one of his Maj'tys Justices of the peace for sd County to answer what Should be Objected against him on his Maj'tys behalfe, Particularly for being Drunk on the 17th of December last & for his abusive behaviour in presence of sd Justice prophanely useing & reproaching the name of God & useing Severall Threatning Speeches &ca, he owning the fact & promissing reformation for the future, Its Considered by the Court that he pay a fine of fifteen Shillings to the use of the poor of the Town of York, that he be publickly Admonished & pay fees of Court 18s And that he give bonds for the good behaviour till the next Sessions & Stands Comitted.

Memorandum Jno. Woodbridge Principle & Eben'r Allen & John Brocus [Brockus, Brookhouse] Suretys Acknowledge themselves bound in a bond of 10 *tb.* that the sd Woodbridge Shall appear At the next Court of Gen'l Sessions of the peace to be holden for this County & that he Shall be of the good behaviour in the mean Time &ca.

[7:14]

Licence is granted to Stephen Harding to keep a Ferry over Kenebunk river dureing this Courts pleasure, & to Demand for Carrying over a man Two pence & for Swiming a horse by his Cannoo 2*d.* and when he has provided a boat to Demand for a horse 4*d* & a man 2*d* & no more.

York Ss. To the Sheriff of the County of York his under Sheriff or dep'ty Greeting: Whereas Jacob Remich Junior of Kittery by his Petition to his Maj'tys Justices of the Court of Gen'll Sessions of the peace holden at York upon the first Tuesday of October Instant doth Set forth that he is greatly Damnified by the highway runing through his land & that the sd Way may be Altered without prejudice to the Publick. You are therefore hereby required in his Maj'tys Name to Sumon a Jury from the Towns of York & Berwick to meet you on sd land & with you to view & Lay out sd way According to your best Skill & Judgm't with most Conveniency to the Publick & least prejudice or damage to any particular person, which Jury you are to Cause to Come before Some one of his Maj'tys Justices of the peace & to have an oath Administred unto them According as the law directs, which haveing done you are to make return of your Doing here in as well under your own as [*under*] the hands of the Juriors by whose Oath the sd Way is laid out, to the Next Court of the Gen'l Sessions of the peace to be holden at york aforesd upon the first Tuesday of January next, for their

Aprobation & Allowance thereof. Dated the 15th day of October in the Sixth year of his Maj'tys reign Annoque Domini 1719

York Ss Dec'r 28th. 1719

Per Curiam JOS HAMMOND Cler

Joseph Young, James Allen, Mathewes [*sic*] Young, Sam'l Winch, Zacheus Trafton, Andrew Toothaker, Nathan Lord, Daniel Goodwin, Joseph Hodsden, Daniel Stone, Phillip Hubord, & Sam'l Hodsden personally Appeared & made Oath that they would proceed to view & lay out the way within mentioned According to their best Skill & Judgm't with most Conveniency to the Publick and least prejudice or damage to Any particular person.

Before JOS HAMMOND J. peace

York Ss Dec'r 28th. 1719

Pursuant to the within Warra't We have passed upon the Way within Mentioned & have laid out the Same as follows vizt., to begin at the Country road near Rich'd Gowell's dwelling house & to run back between the land of Rich'd Gowell & the land lately John Sopers, now in the Possession of Jacob Remich Junior, Northeastward within Ten rod of Rich'd Gowell Junior his barn, & then directly athwart sd Soper or Remich's land into the road to Kittery Ferry to Portsmo., the way between sd Gowell & Soper or Remich to be one halfe on one of their Lotts & the other to be of a Suitable breadth or as the Law directs or as Shall be hereafter ordered by Authority.

Jno Leighton Sheriff	{	Phillip Hubord	James Allen	Daniel Goodin
		Zacheus Trafton	Daniel Stone	Sam'l Winch
		Sam'l Hodsden	Joseph Young	Nathan Lord
		Joseph Hodsden	And'r. Toothacker	Mathews Young

[7:15]

The foregoing return Exam'd & Allowed by the Court & Ordered to be recorded & the Charge thereof passed for paym't according to the order of last Court as per the Acco't thereof on file.

Attests J HAMMOND Cler

Licence is granted to Benja Stone to keep a publick house of Entertainment. till July next

Presentments made by the Grand Inquest are as followth Vizt

We present Noah Peck for Prophane Swearing

We Present Mary Averell daughter of Job Averell of york for having a Bastard Child

We Present Richard Dolliver of Cape an for breaking ground and Sailing out of york on the Sabbath day

We Present Thomas Weed Junior of Kittery for Prophane Swareing & Curseing

We Present Nath'l Kene Junior & John Shepard both of Kittery for fighting.

JOSEPH MOULTON Foreman

ANNO REGNI REGIS GEORGII SEXTO

At a Court of Gen'l Sessions of the peace hold [*en*] at York for & within the County of York Aprill the 5th 1720. Present, John Wheelwright, Wm Pepperrell, Charles Frost, Abram Preble, Jos: Hammond & John Gray, Esquires

The Grand Inquest are as follows Vizt

Imprimis Joseph Moulton foreman

Daniel Paul	Daniel Junkins	Sam'l Lord
John Wittum	Eliakim Wardell	John Wells
Daniel Jones	Joseph Bragdon	George Butland
5 Sam'l Ford	9 Sam'l Savery	13 George Jacobs

The Grand Inquest for the year Ensueing being Sworn are as follows vizt

Imprimis Nicholas Cole Foreman

Ebenezer Dennet	Sylvanus Wentworth	Alexand'r Junkins
Rich'd Rogers	Gabriel Hamilton	Joseph Swett
Sam'l Skilling	Dependance Littlefield	Abiel Goodwin
Wm Gowell	Jeremiah Moulton Junior	Dominicus Jordan
Benja. Major	Mallachi Edwards	Benja. Haley

John Shepard & Nath'l Kene Appearing to Answer their presentm'ts for fighting &c Its Considered by the Court that they pay a fine of Ten Shillings Each to the King & fees of Court 7s Each & Stand Committed

[7:16]

Mary Averell Appearing to Answer her presentm't for haveing a bastard Child She owning the fact made Oath that one John Rouse was the father of sd Child. Its Considered by the Court that She recieve Ten Stripes on her naked back at the post & pay fees of Court 9s or pay a fine to the King of thirty Shillings & fees as aforesd & Stands Committed.

Benjamin Barns being Convicted before this Court by his own Confession of Stealing a Bill or Obligation out of the house & trunk of Sam'l Skilling of Kittery, which Bill was for the paym't of Twenty

pounds money & he with his mother haveing destroyed the Same, Its Considered by the Court that he recieve Ten Stripes on his Naked back at the post and pay fees of Court £ 1: 19s: 4d or that he pay a fine to the King of fifty Shillings & fees as aforesd & Stands Committed. Its further Ordered that he pay unto the sd Sam'l Skilling the Summ of Sixty pounds forthwith & for non paym't there of the sd Sam'l Skilling is hereby Impowered to dispose of the sd Barns in Service to Any of his Maj'tys Subjects for the term of Six years.

Abishag Carman by her own Confession & the Accusation of her Son Benja. Barns being Accessary to the destroying a bill or Obligation for the paym't of Twenty pounds to Sam'l Skilling of Kittery which sd Barns Stole from Sd Skilling; Its Considered by the Court that She recieve five Stripes on her naked back at the post & pay fees of Court 6s or that She pay a fine to the King of Twenty Shillings & fees as aforesd & Stands Comm'ted.

Wm Pepperrell Esq'r makeing Aplication to this Court that he is over rated in the Province & County rate last made, being Set in the Lists vizt in the Province rate for Faculty 16s and in the County rate for faculty 25s, he makeing it appear to this Court that he has Sustained great Losses in his Estate & Trade the year past. Its therefore Considered by the Court that the sd Wm Pepperrell Esq'r be Abated in sd Two Severall rates the Sum of Two pounds & one Shilling

Capt'n John Leighton abated out of the Parrish rate last made in the uper parrish in Kittery the Sum of 5s & out of the town rate Last made in Kittery 2s6d being So much Set for Faculty in the Constables Lyst, & that the Same be repaid him.

1967906

[7:17]

Joseph Hammond Esq'r presenting his Acc'ot of money Expended for books &ca. for the County as per his Acco't on file Amounting in the whole to the Sum of four pounds & Eighteen Shillings was Allowed & passed for payment out of the Treasury

[Y. F. 1719, No. 1]

April 1720 Ct

Anno 1719

The County of York to Jos Hammond Dr

	£	s.	d
To Entring an Order of Court for laying	}	0:	3: 0
out a way from Capenedick to Saco			
falls & warra'ts			

To recording the Warra't Sheriff & Jurys return & the Courts Allowence thereof	}	0: 5: 0
To Entring an order for laying out a way between Remick & Gowell with the Proceedings thereon as above, one halfe being at the County Charge	}	0: 4: 0
To Administring Oath to the Jury one halfe		0: 6: 0
To a book for Court records ¹⁴		1: 10: 0
To a book for records of Deeds		2: 5: 0
To Entring an order of Court for a County rate & proportioning the Same & Certificate to the treasurer	}	0: 5: 0
		<hr/> 4: 18: 0

April 5th 1720: I pray allowance for the above acc't.

JOS: HAMMOND

The above Acco't allow'd in Court & passed for paym't out of the Treasury

Att' JOS HAMMOND Cler

[on reverse:] 4: 10: 0 for Cap't Preble
from Cons't Pettegrew
from Tetherly 4 lb: 0s : 0d]

[In the same packet, the Sheriff's account for 1719:]

The County of york Dr to John Leighton
Sheriff of sd County: from
April the 7th 1719

July 27th	To the Prison Salery	3 - 0 - 0
	for Sending the Provence tax to the Selectmen at 3d pence per mile	}
August 26	for Proroguing ye General	1 - 0 - 0
ditto	Court	}
October 1st	For Sending proclamations for a thanksgiving	0 - 12 - 0
ditto	to the Several Constables for the Provence Tax	1 - 0 - 0
March 20th	to adjourning the General Court	1 - 0 - 0
	ditto for a fast	1 - 0 - 0
	to the Prison keeper	1 - 10 - 0
	To the Several Constables for Juerymen:	1 - 0 - 0
		<hr/> 11 - 2 - 0

The above is the remaining acco't due to me full of all arrearages to this day Errors
Excepted yorke Aprill 8, 1720

per JOHN LEIGHTON Sheriff]

¹⁴ *Supra*, 3.

Abram. Preble Esq'r Chosen County Treasurer & Sworn in Court
This Court do permitt [—————]¹⁵ Babson of Falmouth to keep a
house of Entertainm't till July next.

Presentm'ts made by the Grand Inquest are as follows vizt.

We Present Jonathan Young Junior & Abigail his wife of York for
fornication

We Present Sam'l More & Dorcas his wife of york for fornication

We Present Sam'l Littlefield of Wells for not frequenting the Publick
worship of God

We Present the Town of Wells for not being provided with Stocks

We Present Abigail the Daughter of John Abbot of Berwick dec'd
for haveing a bastard Child

We Present Wm Grant Senior & Daniel Grant of Berwick for not
frequenting the Public worship of God

We Present Wm Ham & Eliza. Ham his wife for Fornication

JOSEPH MOULTON foreman

ANNO REGNI REGIS GEORGII SEXTO

At a Court of Gen'l Sessions of the peace holden at york for
& within the County of york July the 5th 1720. Present John
Wheelwright, Wm Pepperrell, Charles Frost [*one name lined
out*] Abraham Preble & Jos Hammond Esq'rs

The Grand Inquest are as followth vizt.

Imprimis Nicho. Cole foreman

Ebenez'r Dennett:

Rich'd Rogers

Sam'l Skilling

Benja Major

Sylvanus Wentworth

Gabriel Hambleton

Dependance Littlefield

Jer. Moulton Junior

Mallachi Edwards

Allex'r Junkins

Joseph Swet

Abiel Goodwin

Dominicus Jordan

Jonathan Young Junior & Abigail his wife Appearing to Answ'r
their presentm'ts for fornication they owning the fact. Its Considered
by the Court that they recieve Ten Stripes apiece on their Naked backs
at the post & pay fees of Court 7s Each or pay a fine to the King of
thirty Shillings Each & fees as aforesd, & Stand Com'ted.

[7:18]

Sam'l More & Dorcas his wife Appearing to Answer their presentm't

¹⁵ The Clerk evidently did not know Babson's first name, or forgot it. But it was
doubtless Richard; see 39 below.

for fornication they owning the fact. Its Considered by the Court that they recieve Ten Stripes a piece on their Naked backs at the post & pay fees of Court 7s Each or pay a fine of thirty Shilling a piece to the King & fees as aforesd & Stand Comitted

Sam'l Littlefield Appearing to answer his presentm't for not Attending the publick Worship of God. he Shewing reasons to the Acceptance of the Court to Excuse him. Its Considered that he be Acquitted paying fees of Court 7s

The Town of Wells Appearing by Francis Sawyer & Sam'l Stuard Selectmen thereof to Answer their presentm't for want of Stocks they being now provided Its Considered that they be acquitted paying fees of Court 7s

Daniel Emery & John Tompson of Kittery Appellants from the Order or Sentence of Wm Pepperrell Esq'r one of his Maj'tys Justices of the peace for sd County given against them on the 27th of June Last for Spreading & publishing a false & Scandalous report Contrary to Law¹⁶ as per the process & record Appears. There not appearing a Quorum of Justices to Try the Same by the removal of Charles Frost Esq'r, Its Considered that their bonds be Continued to the next Sessions on the first Tuesday of October next.

Joseph Abbot Appearing to Answer his presentm't at this Court for prophane Swearing & being Convict. Its Considered that he pay a fine of five Shillings to the poor of Berwick & fees of Court 5s. Committed

Whereas the Rev'd Mr. John Rogers the Minister of the uper parrish in Kittery has Inform'd this Court that he is in want of his Sallary due to him from sd Parrish for Some time past particularly from September 1718 to March after, praying this Court that the Selectmen or Assessors of the sd Parrish Appear At the next Sessions to Shew Cause if any they have wherefore the Minister is not Suitably Incouraged & Supported, And that they be Serv'd with a Coppy of Mr. Rogers his Information relating to his rec'ts from sd parrish &c.

Nich'o Morrell being bound over to this Court by recognezance by Joseph Hammond Esq'r one of his Maj'tys Justices of the peace with Condition for his Safekeeping an Instrum't in writing, as per the recognezance. Its Considered that the Instrument be Lodged in the Clerks office of this Court to the End the Same may be duly Executed for the benefit of all partys Concerned.

¹⁶ An Act for the Punishment of Criminal Offenders 1692-93 Prov. Laws ch. 18, sec. 7. 1 *Acts and Resolves*, 53.

[7:19]

Licence is granted by this Court to the Severall persons following to be Taverners & retailers the year Ensueing.

For the Town of Kittery

Robert Mitchell, Sarah Hix, Paul Wentworth, Benj'a March, Peter Staple, Joseph Curtis, John Heard, Nath'l Kene & Nich'o Morrell

For the Town of York

Alice Donnell, John Stover, Benjamin Stone, Abra'm Preble, Esq'r retailer

[*Stricken out*: John Woodbridge permitted till Oct'r.]

For the Town of Wells: John Wells

For the Town of Berwick: Joseph Abbot

For the Town of Falmouth. Rich'd Babson

For the Town of Bidiford Humphrey Scamon & Wm Dyer, Sam'l Jordan Retailer

For the Town of Arrundell Jabez Dormon

Presentm'ts made by the Grand Inquest at this Court are as follows vizt

Berwick

We present Cap'tn Samuel Plaisted for fighting & for Saying let the moon go down and be damn'd^{16a}

We present Joseph Abot for Swareing & to Suffer dice playing in his house

We present Jona. Stimson for not frequenting the publick w'p of God

Kittery

We present Nath'l Kene, Lydia the Wife of John Monson, John Crocker & Hope the wife of Wm Wilson for not frequenting the publick Worship of God

We present York, Berwick & Wells for not haveing a Sufficient way the uper way from Berwick to Wells

We present Arrundell & Bidiford for not haveing a Sufficient highway the uper [way] from Kenebunk to Saco Falls

NICHO. COLE Foreman

^{16a} See *Province and Court Records*, V, xxix; this volume, Introduction, *supra*, xxii.

ANNO REGNI REGIS GEORGII SEPTIMO

At a Court of Gen'l Sessions of the peace holden at york for
and within the County of York October 5th. 1720 Present
John Wheelwright, Wm Pepperrell, Charles Frost, Abra'm
Preble, Joseph Hammond & Lewis Bane, Esquires

The Grand Inquest are as followth vizt.

Nicho. Cole foreman

Ebenéz'r Dennet

Rich'd Rogers

Sam'l Skilling

Benj'a Major

Sylvanus Wentworth

Gabriel Hambleton

Depend'ce Littlefield

Mallachi Edwards

Alex'r Junkins

Joseph Swet

Abiel Goodin

[7:20]

The Town of Berwick Appearing by their Selectmen to Answ'r sd
Towns presentm't for want of Sufficient highways. Its Considered by
the Court that they be Acquitted paying fees. 7s

The Town of York Appearing by their Selectmen to Answer sd
Towns presentm't for want of a Sufficient highway from Wells to Ber-
wick. Ordered that sd Way be forthwith repaired So far as belongs to
sd Town & that they pay fees—7s

Hope the wife of Wm Wilson Appearing to Answer for her pre-
sentm't for not Attending the public Worship of God, Its Considered
by the Court that She be Admonished and pay fees of Court. 7s

John Treworgie being bound over to this Court by Charles Frost
Esq'r one of his Maj'tys Justices of the peace for being the reputed
father of a Bastard Child begotten on the body of Dorcas Gowen he
makeing Default in Appearance Its Considered by the Court that his
bond of fifty pounds be Declared forfeit to the King & that a new
process be Issued for his Appearance at the next Sessions

Phillip Duly being brought to this Court by a warrant from Joseph
Hamond Esq'r one of his Maj'tys Justices of the peace for this County
for takeing away & Detaining a Servant Girl belonging to Joshua Davis
of Dover as per the process & Evidences appears & being Convict Its
Considered by the Court that he forthwith return the sd Serv't to her
sd Master and pay the Cost of prosecution & fees of Court 6s and
Stand Committed

[In a faint hand, added: till sentence be (illeg.)]

Daniel Emery & John Tompson Appella'ts from the Judgm't or
Sentence of Wm. Pepperrell Esq'r one of his Maj'tys Justices of the
peace for sd County on the 27th of June 1720 for Spreading and pub-

lishing a false & Scandalous report as Set forth in the process being Adjudged to pay a fine to the King of five Shillings Each & Costs: The Delinquents Submitting themselves to the Determination of the Justices of this Court Its Considered by the Court that the fine be remitted and that they pay Costs of Courts & be Acquitted The Costs Allow'd by the Court is £ 3: 0: 10

The Selectmen of the uper parrish in Kittery Appearing to Shew Cause wherefore they have not Taken Care for the Suport of their Minister as per the ord'r of Last Court, they Alledging that a Sufficiency had been raised for his Suport;

[7:21]

Ordered that Mr. Richard Cutt, Cap'tn. Wm Pepperrell & Mr Step'n Eastwick be a Committee to hear & Examin the Acco'ts of the Selectmen of sd parrish & report to the next Court what money is in Arrears to Mr. Rogers and in whose hands Any of the parrish money lyes.

Licence is granted to Mr Stephen Eastwick to keep a publick house of Entertainm't in his house now in possession of Paul Wentworth provided sd Wentworth remove from thence

Licence is granted to Sam'l Moodey Esq'r to retaile Strong drink without doors for the Town of Falmouth till the 29th. of June next

Licence is granted to John Woodbridge to keep a publick house of Entertainm't in York till the 29th of June next

Ordered that the Sum of fifty pounds be Assessed on the Inhabitants of this County to be paid into the County Treasury one halfe thereof in January & the other halfe in April next and the Treasurer is hereby Directed to Issue out his warra'ts to the Selectmen of the Severall Towns Accordingly, in proportion following, vizt

Kittery Sixteen pounds & Two Shillings	£16: 2: 0
York Twelve pounds & Eighteen Shillings	£12:18: 0
Berwick Nine pounds & Ten Shillings	£09:10: 0
Wells Seven pounds & Ten Shillings	£07:10: 0
Falmouth One pound fifteen Shillings	£01:15: 0
Biddiford One pound & Ten Shillings	£01:10: 0
Arrundell fifteen Shillings	£00:15: 0
Sum'a	<hr/> 50:00:00

Presentm'ts made by the Grand Inquest are as follows vizt

We present John Wherrin & his wife of Kittery for not Attending the publick Worship of God.

We present Sarah Reed of Kittery for not Attending the Publick Worship of God

We present Joanna Ingersol of Kittery for fornication

We present Abell Hambleton of Berwick for not Attending the Public Worship of God

We present Mary Allen of Berwick for not Attending the publick Worship of God

We present Joseph Allen Son of Walter Allen of Berwick for not Attending the publick Worship of God

We present Thomas Hutchings of Berwick for not Attending the public Worship of God.

[7:22]

We present Nicholas Jillison & Hannah his wife of Berwick for not Attending the publick Worship of God

We present Hannah Stanford of Berwick for fornication

We present Sarah Hosum of Berwick for fornication

We present Mary Bragdon of York for fornication

We present Peter Mathews of York for not Attending the publick Worship of God

We present John Parsons of York for prophane Cursing

Brought into Court by Nicho. Cole Foreman

Capt'n Wm. Pepperrell is Appointed Clerk of the Court of General Sessions of the peace & Inferiour Court of Common pleas for this County & was Sworn in Court to the faithfull discharge of sd Offices¹⁷

Attests JOS HAMMOND Cler.

[A double ruled line follows, separating the above from the next entry, which is in the hand of William Pepperrell, Jr.]

ANNO REGNI REGIS GEORGII SEPTIMO

At a Court of Gen'l Sessions of the peace holden at York:

for and within the county of York: January 3d. 1720/21

Present John Wheelwright: Charles Frost Abraham Preble &

Joseph Hamond Esq:rs

The Grand Inquest are as followeth: Vizt.

Imprimis Nicho. Cole Foreman

Ebenez'r Dennet

Sam'll Skillion

Benj'a Major

Gabriel Hamblton

Depend'ce Lettlefeald

Allexsand'r Junkings

Abiel Gooding

Rich'd. Rogers

Sylvanus Wintworth

Jer'a. Moulton [Jr?]

Mallachi Edwards

Joseph Sweat

Wm. Gowel

¹⁷ See Introduction, *supra*, xii.

Nich'o Gillison appearing to answer his presentment for not Frequenting the Publick worship of god and being thereof convict'd, its considered that he Pay a fine to the use of the poor of the Town of Barwick of twinty Shillings and Fees of Court 7s and Stands comitted

John Parsons appearing to answer his presentment for cursing & being convict'd, Its considered that he pay a fine to the Use of the poor of the Town of York of five Shillings & Fees of Court Seven Shillings—and Stands Comitt'd.

[7:23]

Robert Bryant being committed to prison by Wm Pepperrell Esq'r. one of his majstys Justices of the peace for sd. county of York he refuseing baile for his appeareance at this Court as appears per record & Process for Stealeing: Vizt. he being convict'd, Its considered that he recieve Ten Stripes on his Naked back at the post & pay Fees of court 35s8 Or pay a fine to the King of [*one word stricken*] forty Shillings and Fees as afores'd & Stands comitted.

Memor'dm. he recev'd the Ten Strips

John Treworgie appearing to Answer for that he is Accused to be the father of a bastard Child Vizt. as per the process, its considered by the Court that he be comitt'd untell he give bail to the Value of fifty pounds at the Next Sessions and to perform what shall be by The Court (be) awarded ag'st him & not to Depart without Liberty from said Court.

John Treworgie principal & John Smith & Paul Williams Suretys Acknowledge them Selfes to be holden & Stand firmly bound & Obliged Joyntly & Severally in the penal Sum of fifty pounds, for his the Said John Treworgie's appearance at the Next Court of Gen'l Sessions of the peace [to be holden at York for said county of york *interlined*] and to abide the order of Said Court.

John Wherrins wife appearing to answer her presentm't for not frequenting the Publick worship of god, its considered that she pay a fine of 20s to the Use of the poor of the Town of Kittery & pay Fees of Court 7s and Stands comitt'd; upon her humble Pertition and promiss of reformation for the fut'r it is Considered by the Court that She be admonished & pay fees of Court 7s and be Acquitted.

Sarah Reed the wife of John Reed appearing to answer her presentm't for not frequenting the Public worship of god, She makeing an Excuse Acceptable to the Court by her Said husband: and Certified by her Nightbors She was not able to frequent the Publick worship of

god Its considered by the Said Court that She be acquitted Paying fees of Court: 7s

[Y. F. 1725-26, No. 4]

[To the Honourable Court of Generall Sessions of the peace assembled att york for the County of york the first Tusday in January Instant, John Read presents his humble petition to this Honourable Court Most Humble Shewing that for as much your honors poor petitioners wife is summoned to appear Before the honourable Court to answer a presentment Exhibited against her for not attending the publik Worship of God on the Lords Day, your Honors poore Petitioner humble shews that his wife is a very Lame Sickly and weak woman and uncapable of traviling and also mean in our Estate and wanting Covenant apparrel for her appearing in publike and Do therefore humble pray that your honors would Be pleased to pass by her offense as it is Laid against her and If if please god that She Continue untill Summer and is in any measur in health and able in body she will attend the publik worship of god as oft as She Can an Rest [illeg.] your Honours In all obedience to Serve

John Read

[Reverse:]

To the Honourable Court of Generall Sessions of the peace assembled att york may it please your honours wee the subscribers are very senceable that your petitioner has Given Your honors a true Character of his wives State and Condition that she is in and has bin so for many years past unto the truth of which we subscrib our names

Gowin Wilson
John Ingersoll
Georg Frink
Ebenezer Moore]

[7:24]

Seaverall of The Inhabi'ts of the Town of Kittery Made Complaint to this Court. That the high way runing between Benj'a Hamonds land and Joseph Willsons land & So to the counterey rode That Leadeth to York according to the record produced in Court: That it is Incombered by Fences. Ordered the Servay'r of high ways for the Town Of Kittery be Direct'd that the said Incumbrances be Removed.

Nathan Knight had Licence granted him by this Court to Keep a Ferry Over black point river dureing The Courts pleasure: & that he Keep a boat Convenient for passage of men & horses, and that the fare or price be: 5*d* for a man & 10*d* for a horse & no more; It being the Ferry that was formerly grant'd dureing the Courts pleasure to James Fly

Ordered that Joseph Hamond Esq'r be abated out of the Last parrish rate committ'd to Thomas Furnalld to collect on the 23*d*. of Aug'st. 1720 in the upper parrish of Kittery: 16*s*3. and out of the Last Province rate: 2*s*6 being so much Set in the List of Said rates for Faculty

Whereas Mr. Rich'd Cutts, Capt. William Pepperrell & Mr. Stephen Eastwicke were appoint'd per the Last Sessions to Examin the Acco'ts

of the Sellect'm [*and*] Constables: Vizt In the Upper parrish In Kittery and report to this Court what money is Arrears to Mr Rogers as per the ord'r of Last Court, Who report that Seventy Six Pounds Nine Shillings & Seven pence is in Arrears to Mr. Rogers to Satisfy his Sallary to the 29th of Septr. Last: and whereas this Court is Informed that The Selectmen have comitted a rate to the Constable of Eighty Six pounds for Mr Rogers his Sallary begining the 29th. of march Last for one yeare thence forw'd. Ordered that the Sum of Thirty three pounds 9s7 be forthw'th assessed on the Inhabitants of sd Parrish as the Law directs: and that Capt. Elisha Plaisted, Mr. Humphary Chadborn & James Grant all of Barwick be assessors for that Purpose, The money to be paid into Capt. Nicho. Shapleigh for the Use of the minister at or before the Last day of May Next to be in [7:25] Full for the Ministers Sallary to the 29th. of March Last:

Memorand'm.

That Those Assessers affter they are Sworn & made the List they apply to two of the Justices of this County, Quorum Unus, for a warr't direct'd to the Const'a as the Law Directs

There being a Pertition present'd to this Court Signed by Sundry of the Inhabitants of Kittery: relateing to a Ferry athorte Sprouce Creek that was formerly granted to John Frost Esq'r. ordered that the Said Pertitioners be Direct'd to bring a copey of the grant of sd. Ferry to sd. Frost at the Next Court of Gen'l Sessions of the peace to be holden at york for said county of York; and that the sd. John Frost Esqr. be Served with a copey of sd. Pertition

Presentm'ts made by the grand Inquest are as followeth: Vizt.

We present Elliz'a Follot now the wife of John Dolly [*of Kittery interlined.*] for Fornication

We present Persiler Weeks [*of Kittery interlined.*] for Fornication

We present Stephen Feald of Kittery for Profaine Swareing

We present Sam'll Green of Kittery for drinking to Excess

We present Sarah Bragdon of York for Fornication

We present Rich'd Morgen & his wife of Cape porpess for not frequenting the Publick worship of God.

NICHO. COLE Foreman

Ordered that a process goo out to the Sheriff of This county for Leaveing [*sic: levying?*] of the cost on Joseph Moulton, w'ch was ordered by the Sessions in Octob'r. 1719: Courts for him to pay the

Sheriff & Jury: £ 5 = 6 = 6: for Appriseing the Damage don on Mary Plaisted's Marsh in York: as per sd record: Appears

ANNO REGNI REGIS GEORGII SEPTIMO

At a Court of Gen'l Sessions of the peace holden at York for
& within the county of York April: 4th: 1721:

Present John Wheelwright, Abraham Preble, Joseph Hammond & John Gray Esqu'rs

The Inquest Are as followeth Vizt.

Imprimis Nicho. Cole foreman

Ebenezer Dennet	Depend'ce Littlefield	Rich'd Rogers	Jo's Sweat
Sam'l Skilling	Allexsand'r Junkings	Sylvanus Wintworth	Dominicus Jordan
Benj'a Major	Abiel Goodin	Jer'a Moulton	William Gowel
Gabriel Hambleton	Benj'a Halley	Malachi Edwards	

[7:26]

The Grand Inquest for the Year Insueing being Sworn were as followeth, Vizt:

Imprimis Daniel Simpson Foreman

Capt. Sam'll Wheelwright	Benja. Gold	John Sharpe
James Samson	David Libby jun'r.	Micum Mackentier
Joseph Gellison	Jacob Remich jun'r	Andrew Grover
Daniel Emery jun'r	Dodivah Curtis	Javes [<i>Jarvis?</i>] Doreman

Mary Hutchings the wife of Benj'a Hutchings Appearing to Answer her presentm't for fornication She owning the fact, Its considered by the court that She recieve Ten Stripes on her naked back at the post & pay fees of court: 12s. Or pay a fine to the King of thirty Shillings & fees as aforesaid and Stands committ'd.

Mary Bragdon appearing to Answer her presentm't for haveing a bastard Child She owning the fact, Made Oath that Francis Littlefield of Wells was the father of sd. Child: Its considered by the Court that She recieve Ten Strips on her nak'd back at the post & pay fees of court 8s. Or pay a fine to the King of Thirty Shillings & fees as aforesd. & stands committ'd. Ordered that Francis Littlefield be sumoned to July Court Next to answer to the above Information made by sd. Mary Bragdon for begeting of her w'th child

Abel Hambleton appearing to answer his presentm't for not Attending the Public worship of god: he makeing Excuse Acceptable to this court: Its considered by the court that he be Acquit'd paying Fees of Court: 7s & Stands committ'd.

Hanah Gellison appearing to answer her presentm't for not Attending the Public worship of god. Its considered by the court that She be Admonished: & pay fees of court: 7s and Stands committ'd.

Thomas Hutchings being bound over to this court by recognezance for being the reputed father of a bastard child begotten on the body of Mariba Hutchings She continueing contant in sd. accusation in court face to face, also Grace Lewis who did the Office of a midwife and did Examin sd. Mariba Hutchings in the Time of her Travell Maketh Oath that She did Accuse Sd. Hutchings & no other man, also the sd Maribe Hutchings made Oath before Wm. Pepperrell Esq'r that the sd Thomas Hutchings was the father of her sd child: the sd. Thomas Hutchings being present when sd. Oath was made. Its Therefore considered by the court that the said Thomas Hutchings pay to the sd Mariba Hutchins Two Shillings & Six pence per week from the birth of sd child dureing this courts Pleasure & that he give good Security to Perform the Same according to law and to pay charges and Fees of court: 15s6: and to Stand Committ'd untel all don

[7:27]

Memorandum

Thomas Hutchings Principel & Joseph Willson & Wheathers [*Withers*] Berry Suretys all of Kittery in said County Acknowledge them Selfes to be holden & Stand firmly bound & Oblig'd Joyntly & Severally in the penal Sum of fifty pounds Lawfull money; That the Said Thomas Hutchings Shall in Every particular comply & perform the Aforesd Order of court relateing to Meribe Hutchins

Hannah Stanford appearing to answer her presentment for Fornication; Its considered by the court that She recieve ten Strips on her naked back at the post & pay fees of court: 8s. Or pay a fine to the King of thirty Shillings & fees as aforesaid and Stands committed.

Joanna Engerson appearing to answer her presentm't for Fornication She owning the fact, Its considered by the court That She recieve Seven Strips on her naked back att the post and pay Fees of court: 8s. or pay a fine to the King of Twinty Shillings & fees of court as aforesd, & Stands committed. The sd Joanna Engerson made Oath in court that Andrew Poore was the Father of sd Child lately born of her body. Ordered that a process goo out for the Apprehending the Sd Andrew Poore

Stephen Feald appearing to answer his presentm't for Profaine Swareing: Its considered by the court that he be Admonish'd & pay Fees of court: 7s: & Stands committ'ed

Sam'l Green appeareing to answer his presentm't for drinking to Excess: Its considered by the court that he be Admonish'd and pay Fees of court: 7s. & Stands committ'd

Rich'd Morgen appearing to answer his presentm't for not attending the Publick worship of god: Its considered by the Court that he be Admonished & pay fees of court: 7s. & Stands committ'd And whereas the sd Rich'd Morgens wife Abegel Morgen was present'd to this court for not Attending the publick [*worship*] of god She Liveing a great distance from this court: Its consider'd by the court that She Answer her sd presentm't before John Wheelwright Esq.

James Hall a mollatto being bound over to this court by William Pepperrell Esq'r. for Strikeing of Bartho: Frost, he Owing the fact: Its consider'ed by the court that he recieve ten Strips on his Naked back at the post Severely Lay'd on: and to Pay Charges and Fees of Court: 52s3 and Stands Commit'd

Nich'o Gowen being Sumoned to appear before this court to give in his reasons why he refused to make Oath to his Office whereunto he was chosen constable of Kittery: Its considered by the court that the reasons he has given be Sufficient to Discharge him from said Office & that he be excused in searving in Said Office

[7:28]

Pearce Shortweells being bound over to this Court by John Penhallow Esqr. for forging a note or bill as by complaint of John Comillard as per the record & process Appears. Its Considered by the Court that he give baile for his appear'ce At the Next Court of Assize & Gen'l. Goal delivery to be holden for this county & stands committ'd till he geett baile for his Appearance as Aforesaid—and that the sd John Comillard give baile for his Prosecuteing the same

Memorand'm. John Comillard Principel & John Kingsbery and Thomas Newman Suretys Acknowledge them Selfes to be holden & Stand firmly bound & Oblig'd Joyntly & Severally in the penall Sum of fifty Pounds to be paid to our Sovereign Lord the King his heirs or Successors If the Said John Comillard Shall make default in his Prosecuteing as above Said Taken in Court as Attest

WM. PEPPERRELL Cler:

Pearce Shortweell being bound over to this court by Lewis Baine

Esq'r. for wilfull Perjury &ca as by complaint of Thomas Newman¹⁸ as per the record & Process Appears, Its Considered by the Court that he give baile for his Appearance at the Next court of Assize & Gen'l Goal Delivery to be holden for this county & Stands commit'd till he geett baile for his Appeare'ce as aforesd. — And that the sd Thomas Newman give baile for his Prosecuteing the Same.

Memorand'm. Thomas Newman Principel & John Kingsbery & John Comillard Suretys Acknowledge them Selfes to be holden & Stand firmly bound & Oblig'd Joyntly & Severally in the penall sum of Fifty Pounds to be paid to our Sovereign Lord the King his heirs or Successors if the Sd Thomas Newman shall make default in his Prosecuteing as above said.

Taken in Court as Attest

WM. PEPPERRELL Cler

[Superior Court of Judicature, Court of Assize (etc.) held at York 10 May 1721. Sewall, CJ, Dudley, Quincy JJ Fol. 6, *verso*]

[Shortwells Trial and Sentence

The jurors of our Sovereign Lord the King upon their Oath present Pierce Shortwell of George Town within the County of York, Joyner, For that he the sd Pierce Shortwell at George Town aforesdid on or about the first day of December 1719 deceitfully wickedly and fraudulently caused or procured a certain Note or writing to be drawn or wrote whereby the name of John Comilard was forged and Counterfieted and thereto falsely affixed, which sd Note or writing was in the words following vizt.

George Town December 1st.

Mr. George Minott, Please to pay the Sum of Two pounds to Mr. Pearce Shortwell (meaning the sd Shortwell) and charge it to the Account of Sir, Your Servant, John Comilard

By means whereof the said Pierce Shortwell at Boston within the County of Suffolk on the 23d day of the same Month of December then and there received the contents of the sd Note or writing, which sd note or writing and the name thereto affixed he the sd Pierce Shortwell at the time and place first above recited knowingly, wittingly and willingly caused and procured to be forged, devised and counterfieted in imitation and as the proper hand writing of the said John Comilard, without the said Comilards knowledge, privity or Consent contrary to the peace of Our Sovereign Lord the King and the Laws in such Cases made and provided. Upon which Indictment the sd Pierce Shortwell was arraigned and upon his Arraignment pleaded Not Guilty, and for trial put himself on the Countrey. The Jury whereof Johnson Harmon [Fol. 7] Is Foreman being Sworne

¹⁸ Newman brought a civil action of trespass and ejectment against Shortwell at the same time; the verdict was for the defendant, and Newman appealed. York Court Records, VII (Inferior Court of Common Pleas). For Thomas Newman's other problems, see *infra*, 83-85, 103-109.

to try the Issue, after the Evidences for the King and the Prisoner's Defence had been fully heard, went out to Consider thereof and returned their Verdict therein upon Oath, That is to Say, That the Said Pierce Shortwell is Guilty of Counterfieting the Note mentioned in the Indictm't.

It's Therefore Considered and Ordered by the Court That the said Pierce Shortwell Shall pay a Fine of Twenty Shillings to the King and Costs of Prosecution Standing Committed until the Sentence be performed]

[Records Superior Court of Judicature, Court of Assize and General Gaol Delivery, 1721-1725, fols. 6, 7.]

Ordered That Thomas Butler & James Frost be Sumoned to July court Next to give in their reasons if any they have why they refused to make Oath to there Office wheretoo they were chosen constables of the Town of Berwick: as Likewise William Chadbourne to give in his reason why he refus'd to make Oath to his Office being chosen a Collect'r. of the Afforesaid Town

John Treworgie being bound Over to this court by Recogni'ce for being the reputed father of a Bastard child begotten on the body of Dorcas Gowen no person appearing against the sd. John Treworgie; Its considered by the court he be Cleared of his bond: by proclamation.

Mariba Hutchings appearing to answer her presentm't for haveing a bastard child She Owing the fact made Oath that Thomas Hutchings of Kittery was the father of said Child: Its [7:29] Considered by the Court: That She recieve Ten Strips on her Naked back at the post & pay fees of court: 7s. Or pay a fine to the King of Thirty Shillings & Fees as afore sd. & Stands committ'd.

Whereas This court being Inform'd that Dorcas Gowen has had of Late a bastard child born of her body—Ordered that an Officer be direct'd to bring her to the Next July court to answer to the Afforesaid Information

Whereas In January court Last their was an order past vizt. That the Sum of Thirty three pounds Nine Shillings and Seven pence be forthwith Assess'd on the Inhabitants of the upper parrish of Kittery as the law directs¹⁹ and that Capt. Elisha Plaisted, Mr. Humphery Chadborn & Mr. James Grant all of Berwick be Assessors for that perposs the mony to be paid into Capt. Nicho. Shapleigh for the Use of their present minister the rever'd Mr. John Rogers at or before the Last of may Next to be in full for the ministers Sallery to the 29th. of March Last—Now it appearing to this court that the afforesd Assessors have refused & Neglect'd to make a rate to raise said Money—Ordered that

¹⁹ Cf. 1692-93 Province Laws ch. 26, An Act for the Settlement of Ministers and Schoolmasters. 1 *Acts and Resolves* 62-63.

Mr. John Adams, Nicho. Weeks and Capt. William Pepperrell be New Assessors Chosen for that Purposs & that they forthwith proceed to make sd. rate as per the afforesd. order.

Memorand'm. These Assessors Affter they are sworn & made the List they Apply to two of the Justices of this county Quorum Unus for a warr't direct'd to the contable as the Law directs.

Abraham Preble Esqr. Chosen county Treasurer & Sworn in Court

Abraham Preble Esqr. Chosen Register of Deeds &c for this county & Sworn in Court & bond given as the Law directs for the Faithfull discharge of his Trust.

Upon reading of Rich'd Kings Petition wherein he desires Liberty to Set up two gates in the high way Neare Gowels bridge As is Set forth in Sd. Pertition, Ordered that the Prayer be granted Dureing the Courts pleasure

Upon reading of a Petition of Sam'l Hill of Kittery he being a Surety for his Son Sam'l Hill junr: for the paym't of 2s6 per week towards the maintenance of a child as is Seett forth in sd Pertition—Ordered that the Pertitioner be heard Next Court produceing the order of Court & his Acco't of paym'ts

Ordered that Twenty Pounds Twelve Shillings be paid out of the county Treasury to Capt. John Leighton being the ball'ce of his Sheriffs acco't: as by the particulars in the Acco't on file appears.

[7:30]

Presentments Made by the Grand Inquest to this
Court are as follows vizt:

We present John Jordan & Robert Hooper both of Falmouth for not frequenting the Publick worship of god.

[*In left margin:*] Arundel

We present John Barton, Ebenezer Barton & the wife of Ebenezer Barton & Mary Busey, Philip Duly, Elizebeth Poland & Abegel Morgen for nott frequenting the Publick worship of god.

Kittery: we present Meriba Hutchings for haveing a bastard child:
[*In left margin:*] Memorand'm. Meribe Hutchings Answered for haveing a bastard Child last Court

Also we present Joanna Poope [*Pope*] the wife of Wm. Poope for not frequenting the Publick worship of God

Also we present Joseph Foyce & George Finex [*Phoenix*] for Pro-faine Swareing

Berwick, We present Thomas Olden for Profaine Cursing & Swareing
at the minester & Church
Brought into Court by Nich'o. Cole Foreman

ANNO REGNI REGIS GEORGII SEPTIMO:

*[To right, a smaller Septimo: as though for practice, or
simply the Clerk's doodling.]*

At a Court of Gen'l Sessions of the peace holden at York for
and within the county of York: July: 4th: 1721: Present.
John Wheelwright, Charles Frost: Abraham: Preble &:
Joseph Hammond Esquires:

The Grand Inquest are as followeth: Vizt.

Imprimis Daniel Simpson Foreman

Capt. Saml. Wheelwright

James Samson

Joseph Gellison

Daniel Emery jun'r

Benj'a Gold

David Libby jun'r

Jacob Remeck jun'r

Dodivah Curttis

John Sharpe

Micum Machintier

Andrew Grover

James Doreman

Jona: Stone

John Watts being Chosen one of the Grand Inquest for the Town of
Falmouth: and he not appearing to take his Oath in April court: nor
has not Attended this court. Ordered that he be Sumoned to the Next
court of Gen'l. Sessions of the peace to make Answer for his Neglect.

Philip Doral appearing to answer his presentment for not Attending
the publick worship of god: Its considered by the court he be Ad-
moneshed and pay Fees of court: 7s & Stands comit'd.

[7:31]

Joseph Foyce Appearing to answer his presentment for Profaine
Swareing: Its considered by the court he pay a fine to the Use of the
poor of the Town of Kittery of five Shillings & fees of court: 7s & Stands
comitt'd.

George Finex [*Phoenix*] appearing to answer his presentment for
Profaine Swareing, Its considered by the Court he pay a fine to the
Use of the poor of the Town of Kittery of five Shillings & fees of court:
7s. & Stands comitt'd:

Dorcas Gowen being Accused for haveing a bastard child of Late
born of her body; She appeareing Owned the fact: made Oath That
John Treworgie of Kittery was the father of said Child: Its considered
by the Court that She recieve Ten Strips on her Naked back at the

post & pay fees of court 7s. or pay a fine to the King of Thirty Shillings & fees as aforesd & Stands comitt'd

Order'd That a process goo out for the Apprehending of the above said John Treworgie (to Answer to the above premises) so that he may be had at the Next court of Gen'll Sessions of the peace for said county:

Ordered that the Sum of one hundred pounds be Assessed On the Inhabitants of this county to be paid into the county Treasury by the first of January Next and the Treasurer is hereby directed to Issue out his warran'ts to the Selectmen of the Several Towns accordingly vizt.

Kittery Tenty five pounds	£ 25
York Twenty two pounds	22
Berwick Ninetten Pounds	19
Wells fouerteen pounds	14
Falmouth five pounds Ten Shillings	5 = 10
Biddiford fouer pounds Ten Shillings	4 = 10
Arrundell Three pounds	3
George Town foure pounds	4
Scarborough Three pounds	3
Summa	<u>£ 100 “ “</u>

John Watts being chosen one of the grand Inquest for the Town of falmouth: & he not appearing to make Oath to his Office nor has not Attend'd the courts, Ordered that he be Summons'd to the Next court of Genl Sessions of the peace to answer to the premises

[7:32]

Licence is granted to this court to the Several persons following to keep public houses of Entertainem't &ca.

John Woodbridge, John Stover, Alice Donnel & Benj'a Stone for the Town of York

Capt. John Heard, Mr. Joseph Curtis, Mary Stapel, Roger Mitchel, Sarah Hix, Paul Wentworth, Benja. March & Nath'l Keane for the Town of Kittery

John Wells for the Town of Wells

Joseph Abbot for the Town of Berwick

Richard Coller for the Town of Falmouth

Sam'l Moodey Esq'r retailer for Sd. Town

William Dyer for the Town of Biddiford

Sam'l Jordan retailer for Sd Town

John Butler for the Town of GeorgeTown

James Camble [*Campbell*] being brought before this court on suspi-

tion of haveing carnal knowledge with the wife of Rich'd Morgon there being Sundry persons Sumoned to give Evidence Some of w'ch not appearing, It is therefore considered that the sd James Camble give bond for his appeareance at the Next Court of Gen'l Sessions of the peace to answer to what Shall be Object'd against him on behalf of his Majesty relateing to the premises & in the mean time to be of good behaviour, and Stands commit'd.

Memorandum James Camble Principle & John Adams & Paul Wentworth his Suretys Acknowledge them selves to be holden & Stand firmly bound and Oblig'd to our Sovereign Lord the Kings Majesty in the penal Sum of fifty Pounds that the said James Camble Shall personally appear at the Next court of Gen'l Sessions of the peace to be holden at York for the county of York upon the first Tuesday of Octob'r. Next & that he Abide the Sentence of the court thereon & not to departe without licence and that he be of good behaviour in the man time towards his majesty & all his Liege peopel.

Taken in court as Attests

WM PEPPERRELL Cler

This court haveing reason of Suspition of James Camble having carnal knowledge with Abegel Morgon the wife of Richard Morgon: ordered that a warr't Issue out to the constable of Arrundell to apprehend & Secure sd Abegel Morgon so that She may be had at the Next Sessions to Answer to what Shall be Objected ag'st her on behalfe of his Maj'sty relateing to the premises.

[7:33]

Francis Littlefeild being brought before this court his being Accus'd of being the father of a bastard child begotten on the body of Mary Bragdon, She appearing in April court last made Oath that the said Francis Littlefeild was the father of said Child: Its Therefore considered by the court that the Said Francis Littlefeild pay to the sd Mary Bragdon two Shillings & Six pence per week from the birth of sd child dureing this courts pleasure & that he give good Security to perform the Same according to law & to pay fees of court: 9s & to Stand Commit'd till done.

Memor: Francis Littlefeild principel & Jona: Baine Surety Acknowledge them Selfes bound & Oblig'd in the penal sum of fifty pounds for performance of the order above Said

Upon reading the Petition of Sam'l Hill Setting Forth whereas he had paid towards the Maintenance of a child per order of this court of Gen'l Sessions of the peace, Praying that it might be determined what he must for the future pay; Ordered that he pay with what he has Already paid untill it make up the Sum of forty five pounds ten Shillings.

[Y. F. 1722, No. 4]

[*Petition of Samuel Hill, April, 1721*]

[1.] [Copy of the record of the Court of Sessions of the Peace for 6 Oct. 1713 (5 *Prov. Ct. Rec.* 139) at which Samuel Hill, Jr. was ordered to pay 2s6d per week toward the maintenance of a bastard child born of Abigail Chapman.]

[2.] [*On the outer fold:*]

To the Hon'bles the Justices of the Gen'l Sessions of the Peace now Sitting at York.

[*The petition:*]

To the Honourable the Justices of the Gen'l Sessions of the Peace now Sitting at York
The Petition of Sam'll. Hill of Kittery: Whereas Your Honours ordered your Petitioner to Pay Two Shillings & Six pence per week towards the Maintenance of a Child, During your pleasure, pursuant to which obligation your Petitioner has paid the Sum of Thirty three pounds & twelve Shillings: Now Your Petitioner prays Your Honours to Consider the Expenses he has already been at, and be as favourable as you can in my obligation you shall Judge fitt to Lay upon him towards the further maintenance of sd child, and that you would Lett him Know what he must for the future Pay & that you would Determine how Long Time your Petitioner must stand obliged to Pay towards the Maintenance of sd Child.

Your Honours Humble Petitioner

Sam'll Hill

Kittery Aprill 4 1721

[*In the clerk's hand:*] Ord'd that the petitioner be heard next Court, produceing the order of Court & his acc'ot of paym't.]

John Tompson being bound over to this court by recognizence by Joseph Hamond Esqr. one of his maj'sties Justices of the peace on Suspition of Spreading a Scandulous pamphlet &c as per record Appears; he refusing to cleare him Selfe by his Oath, being Vehem't Suspition [*sic; that he is the author thereof*]; Ordered that he be Admonish'd & pay Fees of court 20s6. & Stands comitt'd till paid

[<i>In right margin:</i>]	Just's	10-6
	Consta.	3-
	Evd'ce	2-
		<hr/> 15:6
	Cler	2-6
	Shr.	2-6
		<hr/> 1 - 0 - 6

[Y. F. 1722, No. 4]

[The papers are a copy of the record of the proceedings before Joseph Hammond sitting as a single justice of the peace.]

[1.] York Ss

To the Sheriff of the County of York his under Sheriff or Dep'ty or Constables of the Town of Kittery or to Any or Either of them Greeting

Whereas there has been of Late a Scandalous pamphlet or Libell written & posted up in the Country road Near the house of Mr John Adams in Kittery nailed to the post of sd Adamses Gate, in w'ch pamphlet the sd Adams & Mr Nicholas Weekes two of the Assessors appointed by the Court of Gen'l Sessions of the peace to Assess the Inhabitants of the uper parrish in Kittery for the Support of the minister in April Last are very much Abused & Scandalized & Authority Contemned & reflected on, which pamphlet was found on the 27th of Aprill Last, Since which the sd Adamses Two gates Set up by order of the Court of Gen'l Sessions of the peace are Torn down, removed & broken to pieces and his Inclosure Laid Wast—All which doings are a breach of the Laws of this Province²⁰ Contrary to the peace of our Sovereign Lord the King his Crown & Dignity,

These are to require you in his Maj'tys Name forthw'th to Summon & give Notice to John Tompson & Thomas Ham of Kittery aforesd that they Appear before me the Subscriber one of his Maj'tys Justices of the peace for sd County forth with to be Exam'd in behalfe of our Sovereign Lord the King touching the premisses and to Testifie what they know relating to the Same in order to Convict the offenders. Hereof faile not and make return According to Law.

Given under my hand & Seal in Kittery aforesd the Eighth day of May in the Seventh year of his Maj'tys reign Annoque Domini 1721

Jos: Hammond

Pursuant to the within written I have Summoned the persons within Named this 9th of May 1721

John Rogers Consta.

Vera Copia Exam'd by Jos Hammond J pac

[2. *Hammond's record of his examination of Ham and Thompson.*]York Ss. May 9^o 1721

John Tompson & Thomas Ham being Summoned to appear before me the Subscriber one of his Maj'tys Justices of the peace for sd County to be Exam'd in behalfe of our Sovereign Lord the King & to Testify the truth of what they know relating to the writing & posting up a Scandalous pamphlet or Libell wherein the names of Mr John Adams & Mr. Nicho. Weeks two of the Assessors Appointed by the Court of Gen'l Sessions of the peace to Assess the Inhabitants of the uper parrish in Kittery for the Suport of the minister in Aprill last have been Abused & Scandalized & Authority Contemned & reflected on &c Since which two gates Set up by order of the Court of Gen'l Sessions of the peace belonging to sd Adams are torn down & broken to pieces & his Inclosure laid Wast as by the process

The sd Thomas Ham declares upon Oath that he took the sd Pamphlet off the post of Mr Adamses gate on fryday the 27th of Aprill Last, that he knows not who wrote it or how it Came there & that he never heard Anything of it before he took it down and that he knew nothing relating to the pulling down, removing or breaking sd gates.

John Tompson being Exam'd Touching the premisses. Denied that he knew Any

²⁰ 1692-93 Province Laws ch. 18, An Act for the Punishment of Criminal Offenders, 1 *Acts and Resolves*, 53.

thing relating thereunto Ag'st any person Excepting himselfe and refused to make oath to the truth of what he knew Aledging it was the priviledge of an Englishman not to Condemn himselfe. Which denial, with Compareing sd Pamphlet with sd Tompsons writing is a Vehement Suspicion that he is the author there of. Its therefore Considered that the sd Tompson give bonds for his good behaviour till the next Court of Gen'l Sessions of the peace to be holden at York for sd County on the first Tuesday of July next & Also for his Appearance to Answer what Shall be objected ag'st him on the Kings behalfe relating to the premisses

Jos Hammond

Vera Copia as of record Exam'd Jos Hammond J:pac

[3. Thompson's bond and recognizance, in the amount of ten pounds. Thompson is styled "John Tompson of Kittery in the County of York Weaver." His sureties were Nathan Lord and Joseph Hodsden of Berwick, "yeomen."]

Thomas Newman being bound over to this court by John Penhallow Esq'r one of his Maj'stys Justices of the peace for Said county; as per recognizence appears; he appearing Prays that it may be continued to the Next court. Ordered that it be continued he given bond w'th Suffi-cient Suretys for his then Appearance

Memorand'm. Thomas Newman Principel, Nath'l Donell & Rich'd Collier his Suretys Acknowledge them Selfes to be holden & Stand firmly bound & Oblig'd to our Sovereign Lord the Kings Maj'sty in the penall Sum of Ten pounds that the sd Thomas Newman Shall personally appear at the Next court of Gen'l Sessions of the peace to be holden at York for the county of York upon the first Tuesday of Octob'r Next and that he Abide the Sentence of the sd court thereon & not to depart w'th [out] Licence & that he be of good behaviour in the mean time towards his maj'sty & all his Liege people.

Taken in Court as Attest

WM PEPPERRELL Cler

[7:34]

Presentments made to this Court by the Grand Inquest are as follow'th Vizt:

We present John Parsons & Francis Careman of York for not Fre-quenting the Public worship of god:

Nicholas Cane of York for being drunk

Eliz'a. Rose of Kittery for haveing a bastard child

Benj'a. Maigrey [McGray?] John Freas [Freese] & Benj'a. Maigrey, jun'r of Arrundell for Saileing out of the harbor on the Sabath day; Marey Duely of Scarborough for haveing a bastard child

DANIEL SIMPSON foreman

Thomas Favor juniour by complaint of Joseph Haney [?] was brought before this court for heaveing of him down & Abuseing of him: Ordered that the said Thomas Favor pay a fine to the King of: 10s & Fees of court: & give bond for his good behavior unteell the Next Sessions.

Memorand'm. Principel Thomas Favor: Suretys Jo's Moulton & Jona. Baine: Acknowledge them selves to be holden & Stand firmly bound & Oblig'd to our Soveraign Lord the Kings Majesty in the penal Sum of Ten pounds: for the Said Thomas Favours good behaviour towards his Maj'sty & all his Liege peopel untell the Next court of gen's Sessions of the peace held at York for sd county of York the first Tuesday of Octob'r Next.

Ordered that John Stevens of Arrundel: & James Littlefeild & Sam'l Littlefeild of wells be Sumon'd to Octob'r court Next, To Testyfie to the Truth of what they know relateting to James Cambles unseamely carrage with Rich'd Morgens wife.

ANNO REGNI REGIS GEORGIE OCTAVO

At a Court of Gen'l Sessions of the peace holden at york for & within Sd. County of york Octob'r 3d. 1721. Present John Wheelwright, Charls Frost, Abraham Preble, Jo's Hamond & John Gray, Esq'rs

Grand Inquest. Vizt.

Impr Daniel Simpson foreman
Capt. Sam'l Wheelwright
James Samson
Jo's Gellison
Daniel Emery Jun'r

Benj'a Gold
David Libby Jun'r
Jacob Remick Jun'r
Dodivah Curttice
Micum Mackentier
Jon'a Stone

Jeremi'a Moulton
John Booker
Javes Doreman
John Watt

[7:35]

James Campble being brought before this court to answer to what shall be Objected ag'st him on behalfe of his majs'ty relateing to the sd Campbles being found in bed with Abigail the wife of Rich'd Morgen, as per the Information &c. The sd Campble came upon his Tryall, being Askt where [*sic ; whether*] he was guilty or not guilty, he pleads not guilty & Submits him Selfe to the Judgm't of the Court. It appearing by Several Evidences to the Court that the sd Campble was found in bed with the sd Morgens wife: its Considered by the Court that the

sd James Campble receive Twenty Strips Severly Laid on his nak'd
back at the post & pay Fees of Court £ 3 : - : - and Stands Comitt'd

[Y. F. 1722, No. 4]

[*The complaint of Thomas Perkins, selectman of Arundel, to John Gray, J.P. As a result of this, Gray apparently initiated proceedings against Campbell and Morgan.*]

[*Superscription, on the outer fold:*]

To

John Gray Esq'r

Bedeford

[*The complaint:*]

Arendel June the 3d 1721

Sir

These are to [enform, acquaint ?] your Honour that James Campbell Doth frequent Morgains house & will do it and was found in her beed one morning this week and no grone Person in the house that night only he and shee and but the Last night he was there all night and veary much in Drink and is not free from it this morning. Mr. Deering Can give you a [more?] Exact account

Sir I am your humble Servant

Thomas Perkins

[2. *The mittimus issued by John Gray, the Biddeford J.P.*]

York Ss. To the Goal Keeper of his Majesties Goal at York for the County Aforesd
[*seal*]

In his Majesties Name you are required To Take Into your Custody the Body of James Campbell and him Safely Keep So that he may Appear To Answer at the Next Quarter Sessions To be Holden at York for the County of York on the first Tuesday In July Next To a Complaint Exhibited (him) against him by the Select Men Of the Town of Arundell for Unlawfully Cohabiting and Keeping Company with Abigail The Wife of Richard Morgan of said Town with Other Criminall Complaints as will Then and There Appear Against him. Given under my hand At Biddiford This 3d Day of June In the Seventh year of the reigne of King George Annoqui [*sic*] Domini 1721

John Gray Just Pacis

[3.] York SS. To the Constable of Arundell In the County Aforesaid

[*seal*]

In his Majesties Name you are required and Commanded to give personall Summons unto Jabez Dormer, Thomas Perkins, John Stevens and Alison [*The paper is here torn and shredded along the fold. About five words are illegible. The last words are apparently: of sd Town &*] County To Appear at the Next Inferior Court of Common Pleas²¹ to be Holden at York for the County Aforesaid On the first Tuesday in July next then and there to give In their Evidance In the Behalf of his Majestie of what they Know Concerning the Complaint Exhibited against James Campbell of Said Town For Unlawfully Cohabiting with the wife of Richard Morgan. hereof Fail not At your perrill. Given Under my hand this 21st day of June Anno Domini 1721 In the Seventh Year of his Majesties Reign

John Gray Just Pacis

[*Reverse:*]

²¹ A slip, of course. He meant the next Court of General Sessions of the Peace.

According to this warrant to me Directed I have Summoned those within named to appear at the next infeouer [*sic*] Cort to Give in theare Evedence

by me Humphrey Dearing
Constable for Arundell

[4.] Jabez Dorman of full age Testyfyeth that about the first of June 1721 this dep't went to the house of Rich'd Morgan of Arundell ab't 5 a Clock in the Morning & knocking at the door, sd Morgans wife came to the door with her Gown keeped [?] ab't her, & in the house this dep't saw her two Children lying upon a Blanket Near the fire side, & James Campbell the Prisoner lying in sd Morgans wife's bed. This dep't Askt Morgans Wife the Reason of James Campbells being in her bed. She replied that he Lay'd down on her bed Naked & that She Covered him, upon which this dep't took sd Campbell by the heels & hawl'd him out of her bed, at Which time sd Campbell had not any Clothing on his body Except his shirt

4th July: 1721 Sworn in Court
Per Wm Pepperrell Cler

[5.] The Deposition of Thomas Perkins of full Eage saith, he Coming into the house whare James Cambell and the wife of Richard Morgain was Sum time in the year 1718 as I Rem'r and there [*or then*] see James Cambell with the said Morgains wife on a form and She Started from him, and her Coats fell down and Covered her Nakedness, and the said James Cambell was veary bussey a puting his Shurt flaps into his brittches, and I have Reprov'd her for there so frequenting so much togeather and She tould me it had made more desturbance betwene her husband and she then anything in the world for she was forsd to Rise out of her beed from her husband and lett him use his pleasuer with her, but he was allways so Drunk in them [feets ?] that he Could do no Damage and never knew whether She was a woman or no

4th: July: 1721 Sworn in Court
per Wm Pepperrell Cler

[6.] The Depsition of Joseph Hill Jun'r of full Eage Saith he being at the house that Richard Morgin lived in in the year 1719 and loging in the sd Morgans house [*illeg.*] See James Cambell goo into beed to the said Morgins wife and a young woman & in the Morning Ded See the sd Morgins wife Rise out of the Beed from the said James Cambell and that Sam'll Littlefield & James Littlefield was in the house at the Same time

[*signed:*] Joseph Hill

4th: July: 1721 Sworn in Court
per Wm Pepperrell Cler

[7.] Whereas James Cambel of Arundel in the County of Yorkes Labourer, being brought before the Court of Generall Sessions of the Peace, holden in Yorke for the County of Yorke on the first Tuesday in July last to answer to what should be Objected against him on behalfe of his Maj'ty, the matter and Cause being Continued to this Court, Severall Affidavits being taken on behalfe of his Majesty against said Cambel, that the Said Cambel at divers times in and since the year 1718 has been in the bed naked with the Wife of Richard Morgin of said Arundel, and at other times has been Discovered in a very lacivious manner Conversing with her, To Witt in the year 1718, the said Cambel being with the said Morgans Wife on a forme, the said Womans Coats being up and at the same time the Said Cambel was seen putting his Shirt flaps into his breches, and also in the year 1719 the said Cambel has been seen by sundry persons in the bed with the Said Morgans Wife and in the year 1721 was found in the bed of the aforesaid Woman there being no other person in the house but the said woman saving [*rest of line, and the next, torn and shredded.*]

James Campbell is Charged with the off [-ences] [*afore*-] mentioned by his Maj'tys Justices at the Court of Gen'l Sessions of the peace holden at York October 3d 1721

Attest Wm Pepperrell Cler

[*In Pepperrell's hand*.:] he pleads not guilty & Submitts him Selfe to the Judgm't of the Court

[8.] A depotion [*sic*] of John Steevens of Arandall of the actions of James Cambel and the wife of Richard Morgin Both of Arandal that the sd John Steevens see the sd Cambel go to bed to the sd Morgins wife and laye with her till morning which action was in the year 1719 and further saith not

York SS October 3d 1721

Sworn in Court

Attest Wm Pepperrell Clerk

[9.] The dipesion [*sic*] of Jeames Litelfield and Sam'll Litelfield testefiet and saith that about two years ago we was at Richard Morgens hous and James Camell was thair at the same time and in the Evening sd Camell said that he would go to beed to said Morgens wife and a young wooman that was with her and the nex morning we saw sd Morgens wife and sd young wooman rise out of the beed from sd Camell and further saith not

York Ss October 3d 1721

Sworn in Court

Attest Wm Pepperrell Cler

John Warren appearing to answer his presentm't for not attending the Publick worship of god: Its consider'd by the Court that he pay a fine to the use of the poor of the Town of Kittery of Twenty Shillings and Fees of court 9s. & Stands comitt'd, he not haveing Suffici't to pay his fine: order'd that he Set in the Stocks one hower & pay Fees as afores'd.

John Warren dureing the Seting of the Court being drunk: Its consider'd by the court that he pay a fine to the use of the poor of the Town of Kittery of 5s & Fees of court. 6s. & Stands comitt'd, he not haveing Suffici't to pay his fine: order'd that he Set in the Stocks one hower & pay Fees as afores'd

Thomas Olden [*Alden?*] appearing to answer his presentm't for profaine Swareing—Its consider'd by the Court that he pay a fine to the Use of the poor of the Town of Berwick of 5s. & Fees of court. 10s. & Stands comitt'd.

Abigail Abbot appearing to answer her presentm't for haveing a bast'd child She Owing the fact, & made Oath that Joseph Woodsum was the father of sd bast'd child, Its considered by the Court that She receive Ten Strips on her nak'd back at the post & pay Fees of court. 10s. or that She pay a fine to the King of 50s. & Fees as aforesd & Stands Comitt'd.

Order'd that a process goo out for the apprehending the sd Joseph Woodsum so that he may be had at the Next court of Gen'll Sessions of the peace for sd county to answer to the Above premises.

Joanna Pope appearing to answer her presentm't for not Attending the Public worship of god: Its consider'd by the Court that She be Admonish'd & pay Fees of court 8s & Stands comitt'd.

[Y. F. 1722, No. 1]

[*Outside:*] Rich'd Rices bond for Joanna Pope's Appearance

[*In the hand of Richard Rice:*]

Kittery June 12th 1721.

Know all men by these presents that I Richard Rice of kittery in the Countey of york in his majestys province of masachuset bay in new England Stand formly bound in the penel som of five pounds to Jonathan Nason Constabel of sd Kittery for Joanna pope her apperance at the next inferer Cort of sessions held for sd County at york on the first Tusday in July next then & there to a bide the Sentence of sd Cort & not to depart sd Cort with out licence as witness my hand & seal this

Rich'd Rice

[*seal*]

Signed and Delivered

In the Present of us

Sarah Jonson

her

Anne a Rice²²

Mark]

John Jorden appearing to answer his presentm't for not Attending the Public worship of god, considering the Distance he dweells from the Publick worship & the Sev'l. Il—conveniencies, that he be Acquit'd Paying Fees of court 8s. but that he be direct'd to Attend for the Future.

[7:36]

John Bartton appearing to answer his presentm't for not frequenting the Public worship of god, Its considered by the court that he pay a fine to the Use of the poor of the Town of Arrundel of 20s. & Fees of court 8s. & Stands comitt'd

Ebenezer Bartton appearing to answer his presentm't for not frequenting the Public worship of god Its considered by the court that he pay a fine to the Use of the poor of the Town of Arrundel of 20s. & Fees of court 8s. & Stands comitt'd.

Benj'a. Major²³ appearing to answer his presentm't for Saileing out

²² Written by Richard Rice, from evidence of the handwriting and signature above.

²³ Doubtless the same person as the "Benj'a Maigrey" [McGray?] *supra*, 57. But "Major" would seem to be the name: cf. *Gen. Dict. Me. & N. H.*, 454.

of the harbor of Arrundel on a Sabbath day. Its consider'd by the court that he pay a fine to the Use of the poor of the sd. Town of Arrundel of 10s. & Fees of court. 7s. & Stands comitt'd.

John Freez [Freese] appearing to answer his presentm't for Saileing out of the harbor of Arrundel on a Sabbath day. Its consider'd by the court that he pay a fine to the Use of the poor of the sd Town of Arrundel of 10s & Fees of court 7s. & Stands comitt'd.

Benja Major Junr. appearing to answer his presentm't for Saileing out of the harbor of Arrundel on a Sabbath day. Its consider'd by the Court that he pay a fine to the Use of the poor of the sd. Town of Arrundel of 10s. & Fees of court 7s. & Stands comitt'd.

Capt. John Heard & John Tompson being bound Over to this Court by Jo's Hammonds Esqr. one of his maj'sties Justices of the peace for the county of York afores'd for Signeing of a warr't or paper as Selectmen direct'd to the constable of the uper parish in Kittery for the calling of a parish meeting as per the record Recogniz'd & process produced in court. Its considered by the court that whereas the Law had made Other provition for the calling of parish meettings &c; That they pay cost of court. 32s. & be Acquit'd.

Thomas Newman being bound over to the court of Gen'l Sessions of the peace in July Last by John Penhallow Esq'r one of his Majesties Justices of the peace for the county of york aforesaid and by the sd. Tho's Newmans request New bonds given for his Appeareance to this court to Answer to what Shall be Alleag'd ag'st him, &c. Nath'l Donnell & Rich'd Coller Suretys Sd Tho's Newman being call'd & not appearing, but a Pertition being present'd from him, Its Consider'd by the Court that his bonds be declared forfeit'd, Except he come into the Next court of Gen'l. Sessions of the peace to be holden at York for sd. county & Take his Tryall.

[7:37]

Whereas Sam'll Denny of George Town being Notify'd On the 19th of Sept. 1721: That Pearce Shortewell had Made Oath before Abraham Preble Esq'r. One of his Majesties Justices of the peace for the county of york aforesd. &c according as he receiv'd sd Notifycation, Order'd that the Sheriff take care that the Sd Sam'l Denny be Notify'd that he Attend the Next court of Gen'l Sessions of the peace to be holden at York for the county afores'd in January Next. There to give in his reasons if aney he have why sd. Shortewell may not be Set at Liberty; Otherwise he may Expeckt the Justices of sd Sessions will do it.

James Campble being brought before this court for cursing, Its con-

sider'd by the court that he pay a fine to the Use of the poor of the Town of Arrundel, of 5s & Fees of court, 6s & Stands comitt'd.

Eliza Sheers & Mary Hanscom being bound over to this court by Joseph Hamond Esq'r one of his majesties Justices of the peace for sd. county, for Violently Assaulting & threatening Thomas Hanscom as per the process & record appearing, Its consider'd by the court that they be Admonish'd & pay Fees of Court. Sheers. 18s6. Hanscom 23s. & Stands Comitt'd.

[Y. F. 1722, No. 1]

[There are nine papers in the files. Thomas Hanscom brought the proceedings by an information.]

[1] York Ss. Kittery July the 21st: 1721

The Information of Thomas Hanscom in behalfe of our Sovereign Lord the King Vizt.

He Seing Eliza: Shears and Martha Hanscom this day among his Oats he went to them and bid them go out for that they Spoiled the Oats and Distroyed his Labour. They replied they would not but Eliza: Shears sd She would tread or trample them down in Spite of him and Imediately Eliza; Shears went away & Said She would Call her mother. Accordingly Tamsin Hanscom Came with Eliza: Shears and mary Hanscom. The sd Tamsin Came violently at him and laid hands on him; he got Clear of her. She took up a Stick and Came at him again and he took the Stick from her. She then called him red headed Divell and Said She would Knock his Damn'd brains out, then took up another Stick and Came at him again Saing She would knock his devillish Cursed brains out and Strock him Several blows on the head and Shoulders with the Stick. he took that Stick [also?] from her. She then Laid Violent hands on again, Strok him Severall blows and tore his Shurt. he was then obliged to throw her on the Ground to get clear of her again but while She had hold of him Eliza: Shears and mary hanscom Called to their Mother Saying Kill him, kill him, knock his brains out, and as Soon as he was Clear from her, Eliza. Shears & Mary Hanscom Came at him throwing Stones Saying they would Kill him. The sd Mary Said She would kill him if there ware no more Divills upon Earth. Eliza: Shears Came with a great Stone and was throwing of it at him but he laid hold of her hand and threw her on the ground and then Escaped from them. These proceedings puts the sd Thomas Hanscom and his family as he Saith in very great fear & Terrour and Tends to the Loss of his Life and Estate If not prevented

Thomas Hanscom

Taiken upon Oath July 21st: 1721

Coram: Jos Hammond J Pacis
Jos Hammond J. Pacis

Vera Copia Exam'd

[2. *Hammond's copy of the warrant for the arrest of the women.*]

York Ss. To the Sheriff of the County of york, his under Sheriff or Deputy of [or] Constables of the Town of Kittery or to any or Either of them, Greeting:
(Seal) Whereas Information is given to me the Subscriber one of his Maj'tys Justices of the peace for sd County by Thomas Hanscom of Kittery aforesd husbandman on his Maj'tys behalf that he had been this day violently Assaulted by Tamsin Hanscom, Eliza. Shears and mary Hanscom by Laying Violent hands on him, throwing Stones at him, threatning to take away his Life and did Strick, beat and Evilly Intreat him useing Sundry vile and wicked Expressions by which himself and family

are put in great fear and Terroure all which is Contrary to the peace of our Sovereign Lord the King.

These are therefore to require you in his Maj'tys Name forth with to Apprehend and Secure the persons of the sd Tamsin Hanscom, Eliza. Shears and Mary Hanscom and bring them before me to be Exam'd Touching the premices and further proceeded with as the Law Directs. hereof fayle not at your perrill. Given under my hand and Seal at Kittery aforesd the 21st day of July in the Seventh year of his Maj'tys Reign Annoque Domini 1721.

Jos: Hammond

You are also to Summon Martha Hanscom of Kittery aforesd that She appear and testify [to] the truth of what She knows relating to the premises and also the sd Thomas Hanscom to appear to Testify what he knows in his Maj'tys behalf relating to the premises

Dated as above.

Jos: Hammond J: pac

[Reverse:]

Pursuant to the within warrant I have apprehended and brought Mary Hanscom. The within Named Tamsin Hanscom I saw being on her bed, who Says She is not able to Come with me and Eliza. Shears I cannot find as yet. I also Summoned the above Evidences. July 21st: 1721

John Rogers, Constable.

You are hereby required to make fresh pursuite after Eliza Shears according to the within Direction and to require all Needfull Assistance.

July 21st: 1721

Jos: Hammond J: pacis

I have here with brought Eliza. Shears, according as Directed. July 21st: 1721

John Rogers Constable

Vera Copia Exam'

Jos Hammond J. Pacis

[3.] Martha Hanscom Testifieth that She being with Eliza. Shears this day gathering peas among Some Oats, Thomas Hanscom Came and bid us go out or he would kick us out and Called us Cursed Divills. Eliza. Shears She would not [*go out*]. Eliza. went away and Said She would Call her mother and accordingly her mother Tamsin Hanscom Came with her and mary hanscom. The sd Tamsin Hanscom bid Thomas go out of the field or She would Set him out. She Saw her mother and Thos: Strive together and Saw Mary hanscom throw a Stone at Thomas. She Saw her mother have a Stick in her hand when she went towards Thomas but saw no blows Strok for that She was some Distance from them and did not go near till She Saw her mother down on the Ground and then She went towards her and Thomas went away.

Taken upon Oath July 21st 1721

Coram Jos Hammond J: pacis

Vera Copia Exam' Jos Hammond.

[4.]

York Ss. July 21st: 1721

Memorandum. Mary Hanscom of Kittery in sd County Singlewoman being this day brought before me Joseph Hammond Esquire one of his Maj'tys Justices of the peace for sd County for Violently Assaulting and Threatning Thomas Hanscom of sd Kittery and for Uttering Sundry vile and Wicked Expressions as per the process and Information upon Oath, She Refuseing Bale for her apperance at the Next Sessions of the peace and for her good behaviour in the mean Time. I Thereupon Committed her by a Mittimus to his Maj'tys Goal.

J. Hammond

Memor': The sd Mary Hanscom having after ward found Baill was discharged and Set at Liberty Tell said Sessions

Jos. Hammond J. Pacis

Vera Copia Exam'd Jos. Hammond J

[5.] [To the Sheriff, order for Mary Hanscom's Committment to jail. Hammond's copy.]

[6.] [The mittimus for Mary Hanscom. Hammond to the Keeper of the "Common Goal for the County of York."]

[7.] [Mary Hanscom's recognizance and bail bond for £10. Surety was "Richard Gowell Junior of the same place [Kittery] Yeoman."]

[8.] York Ss. July 21st: 1721

Memorandum. Eliza: Shears of Kittery in the County of york Single woman being this day brought before me Joseph Hammond Esq. one of his Maj'tys Justices of the peace for sd County for violently Assaulting & threatning Tho's Hanscom of sd Kittery & for uttering Sundry vile & wicked Expressions as per the process & Information upon Oath—Its Considered that She give baile for her appearance at the next Sessions of the peace to be holden at York for sd County and for her good behaviour in the meantime

J Hammond

Vera Copia Exam'd Jos Hammond J. Pacis

[9.] [Hammond's copy of Elizabeth Shears' recognizance, and bail bond in £10. Surety was Richard Gowell.]

[*The following depositions are filed with the papers in the civil action for assault and battery, Tamsin Hanscom vs. Thomas Hanscom. Y. F. 1722, No. 3.*]

[10.] [*Depositions of Elizabeth Allen and Mary Morrell.*]

The Deposition of Eliza Allen of full age Testifyeth & Saith That on the twenty first Day of July last past the Deponant Elisabeth Allen and Matthew [*sic*] hanscom her Sister went into there Mother Tameson hanscoms feild in Kittery in the County of yourk to geather Some pees that there Mother had Sowed there and while they were there gathering pease Thomas hanscom Came to the fence of sd feild and Caled out you Cursed Impudent devills what do you do there. the Deponant answered him, gathering pease. The sd Thos Hanscom bid them goe out and if they presumed or offered to gather any there he would pull them all up, and threatened and Said he would kik her dam'd ars. The Deponant told him she would go in and tell her Mother. Then the sd Thomas Hanscom answered if she did her Mother should not gather any nither. Upon which after many ill words from him the Deponant Called her mother who Came into the feild where the sd Thos Hanscom was, and asked him why he did so. He told her She Should not gather any nither, and then the sd Thos Hanscom took her mother by violence & lifted her Clear of the ground and threw her athwart the roots of a great Stump Upon which She Cryed out, he hath broak my back and Could not get up. The Deponant and the rest of her Dafters were forced to help her up and Carry to her house & put her to bead. and that she was forced to keep her bead by reason of the aforesd hurt She then recived not being able to get up and goe about in five or six weeks at least and was forced to be at the charge of a doctor—vizt. Thomas Packer Esq who Came and bleded her and gave Medicences and administered to her all the affore sd time.²⁴ And further saith that the sd Thomas Hanscom Called his Sister Mary [many ?] Ill names, as bad as Could be Invented.

[*In Clerk's hand:*] York Ss 3rd April 1722. Sworn in Court Attest Wm. Pepperrell Cler

²⁴ In April, 1722, Tamsin Hanscom brought an action in trespass for assault and battery against Thomas Hanscom, in the Inferior Court of Common Pleas. Verdict and judgment for plaintiff, £5 damages and costs of court. (York Court Records, VII, 54. Inferior Court of Common Pleas.)

Mary Morrell of full age testifieth and Saith that She Saw Thomas Hanscom Close in with her Mother Tameson Hanscom at the Time and place affore sd. Whether he tript up her heels or how he threw her down She Cannot well tell but She Saw her mother lifted Cleare of the ground by him and thrown down athwort the roots of a great Stump & whare upon her Mother Cryed out he hath broak my back upon which I the deponant ran to my mothers assistance and then he left of and from her run and fell fowl of the affore sd Deponant Elisabeth Allen, and this Deponant help'd her Mother up with her Sisters assistance She not being able to get up, and Carreyed her into the house and put her to bed whare her Mother lay five or Six weeks under the Doctors hands before she was able to go about againe

York Ss 3d April: 1722 Sworn in Court

Attest Wm Pepperrell Cler

[11. *Susanna Brown's evidence given here was at the request of the defendant, Thomas Hanscom. It is with the papers in the civil case.*]

Susanna Brown being Sworn Saith that on or about the 21st of July 1721 She was at the door of her house and Saw a man & Two women Together in Hanscoms field So Called. She Saw one of the Women go away and Come again in a Short time & Two Women more came with her. She heard them Speak lowd but Could not understand what they Said, one of which went towards the man and She Saw them very Near Together And Saw the woman down on the ground and Saw the man go away, And Saw her Immediately get up Again and go away. Some distance from the place She Saw Two women Overtake the woman that had been down on the ground as aforesd And Saw them take hold of sd Woman and Seem'd to Lead her towards the house where Tamsin Hanscom Lives. Afterward She heard that those persons She Saw were Tamsin Hanscom, Thomas Hanscom, Eliza Shears & Mary Hanscom

Taken upon Oath March 29th 1722

Tamsin Hanscom haveing had A Notification Sent her to be present at the Caption hereof

Coram Jos: Hammond
J: Pacis]

Order'd that a process goo out for the apprehending of Paul Williams so that he may be had at the Next court of Gen's sessions of the peace to be holden at york for sd county, to answer to his being drunks & cursing in the time of the Seetting of the court.

Order'd that the process for the apprehending Abigail the wife of Rich'd Morgan be continu'd out.

Whereas Mr. Nicho. Weeks. Mr. John Adams & Capt. Wm. Pepperrell where [*sic*] Appointed by the Court of gen'l Sessions of the peace for sd. county in April Last to be Asses'rs to raise the money in the upper parish of Kittery that was in Arrears to their pres't minister &c: Order'd that the Treasur'r of the upper parish of sd. Kittery be direct'd to pay Each of the sd. Asses'rs 18s a p's for their Service: out of the parish money:

Bonnony Knight being bound over to this court by Jo's Hamond Esq'r, One of his majestys Justices of the peace for sd county, for Stealing or takeing away of a horse from Mr. Jo's Curttice, The Sd Knight owning he took the horse out of sd. Curttice's past're, but that

he had no desine to Steale him, Its consider'd by the court that he receive five Strips on his nak'd back at the post & pay Fees of court 17s or that he pay a fine to the King of 20s & Fees as aforesd & Stands commit'd.

[Y. F. 1722, No. 1]

[*The clerk numbered each paper, on the outer fold: (No. 1) etc.*]

[1] York Ss To the Sheriff of the County of york his under Sheriff or Dep'ty or Constable of the Town of Kittery within the sd County or to Any or Either of them Greeting—

Whereas Complaint has been made to me the Subscriber one of his Maj'tys Justices of the peace for sd County by Joseph Curtis of Kittery in the County aforesd Gent. that a horse of a dark bay Collour being a Gelding about thirteen hands high Vallue Ten pounds being the riding horse of the sd Curtis was on Saturday the 9th of Insta't Aug'st Stolen away out of his pasture, And that he understands that the sd horse was the Same day in the Custody & Possession of Benony Knight of Kittery aforesd Labourer—

These are therefore in his Maj'tys Name to Command you & Every of you to make dilligent Search within your precinct for the horse aforesd & if upon your Search you find the sd horse in the Custody of any person or other Just Cause of Suspicion that he [*sic*] bring the person or persons Suspected before me or Some other of his Maj'tys Justices of the peace for this County to be Exam'd Touching the premisses And further proceeded with as the Law Directs. Hereof fayle not at your Perrill Given under my hand & Seal this 22d day of Aug'st In the Eighth year of his Maj'tys reign Annoq' Dom: 1721

Jos: Hammond

York Ss Aug'st 22'd: 1721

Pursua't to the within Warrant to me Directed I have Serch't for but Cannot find the horse within Mentioned but have brought Benony Knight within named who is Suspected to have Stolen or Taken away sd horse.

Rich'd Rice D. Sheriff

Vera Copia Exam'd

Jos Hammond

J. Pacis

[2] York Ss. Aug'st 22d: 1721

Bennony Knight of Kittery in the sd County Labourer being brought before me the Subscriber one of his Maj'tys Justices of the peace for sd County upon Suspicion of Stealing a horse from Mr Joseph Curtis as per the process

Upon Examination he acknowledged that he took sd horse out of Mr. Curtises pasture on Saturday the 19th. Insta't And Rode him to Black Wills and turn'd him Away & now Knows not where he is. But Saith he had no intent to Steal him

Its Considered that the sd Benony Knight be Comitted till he get Baile for his Appearance at the next Court of Gen'l Sessions of the peace to be holden at York for sd County on the first Tuesday of October Next to Answer what shall be Objected Against him on his Maj'tys behalfe relateting to the premisses. And also recognize with Sufficient Suretys for the paym't of Treble the vallue of the horse if Judgm't Pass against him on his Tryall

Jos: Hammond

Vera Copia Exam'd

Jos: Hammond J: Pacis

[3] [Knight's recognizance. Richard Rice, "husbandman" and Daniel Rice, "Cordwainer," both of Kittery, were sureties. Bail was set at £40. The conditions: that Knight should personally appear at the next Court of General Sessions of the Peace to answer the charges; to "do and receive that which by the sd Court Shall be Enjoyned him and

Not Depart with out Licence. And Also that he pay Treble the vallue of the sd horse in Case Sentence be so Entred up against him.”]

[7:38]

Jonathon Nason being bound Over to this court by Jo’s Hamond Esq’r one of his maj’sstys Justices of the Peace for the county of york aforesd for posting up a notification under his hand for calling of a parish meeting without a lawfull warr’t: as by the process record & recogniz’ce produced in court. It appearing to the Court he had a warr’t Signed by the Selectmen of Sd parish for calling Sd meeting, but the law makeing Other provition for calling parish meetings &c, Its consider’d by the court that he pay costs of court. 16s. & is Acquit’d.

Presentments made to this Court by the grand Inquest are as follow’th vizt.

Sarah Burril of York for haveing a bastard Child

Thomas Webber of York for not Attending the publick worship

Lucy Allien of Kittery for committing Fornication

Paul Williams for cursing.

DANIL SIMPSON Foreman

Capt. Jer’m Moulton junior Sworn in court to his Office of Commiss’r of Excise for this county & bond given as the Law directs, for the faithfull discharge of his Trust

John Watt appearing to answer his Neglect in not attending the court & appearing to make Oath to his Office, he being Chosen one of the grand Inquest for the Town of Falmouth he makeing Excuse his not being in health & considering the great distance he lives—Order’d that his Excuse be Accept’d & that he now make Oath to the faithfull discharge of his Office; w’ch Oath was Administ’rd Accordingly.

ANNO REGNI REGIS GEORGII OCTAVO

At a Court of Gen’l Sessions of the peace holden at York for & within the County of York January 2^d, 1721/22 Pres’t John Wheelwright, Charl’s Frost, Abraham Preble & Joseph Hammond Esq’rs

The Grand Inquest are as follow’th vizt:

Danil Simpson Foreman

James Sampson

Joseph Gellison

Danil Emery Jun’r

Benj’n Gold

David Libby Jun’r

Jacob Remech Jun’r

John Sharpe

Micum Mackentier

Andrew Grover

Javes [Jabez] Doreman

Jon’a Stone

John Littlefeild

[7:39]

Sarah Bragdon appearing to answer her presentm't for Fornication and being thereof convict'd, Its consider'd by the court that She receive Seven Strips on her naked back at the post & pay Fees of court 10s. & Stands comitt'd.

Sarah Burril appearing to answer her presentm't for having a bastard Child She owning the fact, and upon her Examination dos Say that Edw'd Preble²⁵ was the father of Sd Child, Its consider'd by the court that She receive Seven Stripes on her Naked back at the post & pay Fees of Court 9s Or that She pay a fine to the King of Thirty Shillings & Fees of Court as aforesaid—& Stands comitt'd.

John Parsons appearing to answer his presentm't for not Attending The Publick worship of god & being thereof Convict'd Its considered by the Court that he pay a fine to the Use of the poor of the Town of york of Twenty Shillings & Fees of court Eight Shillings & Stands comitt'd.

Francis Careman appearing to answer his presentm't for not attending the Publick worship of god & being thereof convict'd, Its considered by the court that he pay a fine to the Use of the poor of the Town of York of Twenty Shillings & Fees of court 8s. & Stands comitt'd.

Mary Allen being present'd Sumtime past for not attending the Publick worship of god: it being represent'd to this court that by reason of her age & being Lame She is not able to come to Court. Order'd that it be heard before Charles Frost Esq.

Joseph Woodsum of Berwick in our county of York afores'd being Brought before this court for his being the reput'd father of a bastard child begotten on the body of Abigal Abbit. She appearing in Octob'r Court Last & made oath that the sd. Jo's Woodsum was the father of the Child w'ch She then Stood present'd for. Its therefore Consider'd by the Court that the Sd Jo's Woodsum pay to the Sd. Abigal Abbit towards the maintainence of Sd child two Shillings & six pence per week from the birth of Sd Child dureing this Courts pleasure and pay Fees of court 7s, & Stands comitt'd untill he geett Surety to Performe the Same

The Sd. Jo's Woodsum appeals from the above Sentence to the Next Court of Assize & Gen'l Goal Delivery to be holden at York for sd

²⁵ Edward Preble (b. 1702) was the son of Abraham Preble, the leading man in York, and a member of the Court. Sarah Burrill was five years older than the accused father. By 1725 she was married to Samuel Johnson of York. (*Gen. Dict. Me. & N. H.*, 121, 566.)

county; Memorand'm: The Sd Jo's Woodsum Principle & Sam'l Hods-
don & Phillip Hubbart Suretys Acknowledge them Selfes to be holden
& Stand firmly bound & Oblig'd Joyntly & Severally in the penall Sum
of Sixty pounds to be paid to our Sovereign Lord the King his heirs or
Successors if the Sd Jo's Woodsum Shall make Default in the Prosi-
cuteing his Sd. appeal w'th Effect.

Taken in Court as Attest
Wm. Pepperrell Cler:

[*The appeal:*]

[Superior Court of Judicature, Court of Assize, etc, held at York 15 May 1723.

Sewall, CJ, Dudley, Quincy, JJ.

* * * * *

"... and It's now Considered by The Court after mature Advisement thereon & hearing
the parties again, that the said Joseph Woodsum shall pay to the said Abigail Abbit
towards the maintenance of the said Child after the rate of Two Shillings and Six
pence per week after the birth thereof unto this time, and per week weekly until the
further Order of this Court. . . ."

Records Superior Court of Judicature, Court of Assize and General Gaol Delivery,
1721-1725, fol. 121, *verso*]

[S.F. 15,983]

York Ss } To the hon'ble the Judges of Assize and Gen'll Goal Delivery: to be holden
 } at york within and for the County of York on Wednesday the ninth of May
 } 1722

Joseph Woodsum Appellant his Reasons of appeale from a judgm't of his Maj'tyes
Quarter Sessions of the Peace held at york within and for the County of york Jan'y
2d 1721/2

The Case was: the said Joseph Woodsum was bro't before the sd Court of Quarter
Sessions for Being the Reputed father of a bastard Child begotten on the body of Abbi-
gall Abbit, and the Sd Court gave judgment that the sd Joseph Woodsum pay unto the
Said Abigall Abbit towards the maintenance of the Said Child two Shillings and six
pence per week from its birth Dureing the Courts pleasure & pay fees of Court &c
which Judgment is wrong and Erroneous And ought to be reversed for the Reasons
following

(1) Whereas the Judgment was that the Appellant pay Abbigall Abbit the Sum of two
Shillings and Six pence per week towards the Maintenance of Sd Child—&ca, It should
have been that the said Joseph Woodsum Do not appeare to be the reputed father of
sd Child and therefore Cleared &ca

2d for that the Law²⁶ of the Province of the Massachusets: page the 10 & 11th—is he
that is accused by any Woman to be the father of a Bastard Child begotten of her Body,
She Continuing Constant in Such Accusation, being Examined upon Oath, and put
upon the Discovery of the Truth in the Time of her Travail: Shall be the Reputed
father of Such Child &ca.

²⁶ An Act for the Punishment of Criminal Offenders, 1692-93, Prov. Laws ch. 18,
sec. 5. *Acts and Resolves*, I, 52. In the 1714 edition of Province Laws the act cited is on
pages 10 and 11.

Now your Hon'rs Appellant Sayes that the sd Abbigall Abbit after She was presented by the grand Jury of the County of york and bro't thereupon before the above sd Court of Quarter Sessions Did then upon her Examination Declare that the said Joseph Woodsum to be the father of sd Child—and Did there make Oath to the Same

3d Your Appellant Is humbly of Oppinion that what is Done in this Case is not Suffi-
cient proof ag'st him according to the Law of the province to Make him the reputed
father of sd Child: for if the sd Abbigall Abbit would take advantage of the Law
Ags't the Appell't (She Should follow the Steps of the Law) which Sayes that She con-
tinuing Const't in her Accusation &ca (And put upon the Discovery of the Truth in
the Time of her Travaile) Shall be the reputed father &ca. Now your Appellant Sayes
that the above sd Abbigall Abbit never was put upon the Discovery of the Truth in the
Time of her Travaile nor Did then Declare who was the father thereof

Therefore 4thly as there is not sufficient proof: or Such proof as the Law Directs to:
appears agst him he humbly prays this hon'd Court will reverse the former Judgm't
and Cleare this your Appell't from the paymt's he stands by the afforesd Judgm't to
make good for the sd Reasons and what Els may be offered on tryall your Appellant
Doubts not of a reversall of the former Judgm't & Costs &ca.

Aprill 16, 1722

James Jeffrey attorney
for the appellant]

[7:40]

Licence is grant'd to Robert Mitchel to retaile Strong Drink without
Doors For the Town of Kittery till the 29th of June Next.

Licence is grant'd to Abraham Preble Esq'r to retaile Strong Drink
without Doors for the Town of York till the 29th of June Next.

Licence is grant'd to William Pepperrell Esq'r to retaile Strong Drink
without Doors for the Town of Kittery till the 29th June Next.

William More being bound over to this court by Joseph Hammond
Esq'r one of his Maj'tys Justices of the peace for Sd county by Informa-
tion of Moses Hubbert as per his Indictm't for that whereas he on the
22'd dec'r Last had goods open in the house of Phillip Hubbart in
Berwick & that he did on Sd day Expose to Sale & Sell Sundry goods
and Merchandize he not being an Inhabitant of Sd Town,²⁷ he appear-
ing & Acknowledgeing the facts & Submiting him Selfe to the Court. Its
consider'd by the court he pay a fine of Twenty pounds to be devided as
the Law directs: Viz't, one halfe to his Maj'ty the Other halfe to the
Sd Moses Hubbart the Informer & to pay Fees of Court £4:12:2. &
Stands Comitt'd. and That the goods in the hands of Sam'l Hodsdon
Constable of Berwick be disposed of as the Law directs vizt $\frac{1}{3}$ to his
Maj'ty $\frac{1}{3}$ to the poor of the town of Berwick & the other $\frac{1}{3}$ to the Sd.
Moses Hubbart the Informer.

²⁷ Cf. *Acts and Resolves*, I, 720-721; An Act Against Hawkers, Pedlars and Petty
Chapmen. 1713-1714 Province Laws ch. 7. The episode gave rise to another proceeding:
see the case of John Goodwin at the April court, *infra*, 86.

[Y.F. 1722, No. 1]

[1] York Ss. To the Sheriff of the County of York his under Sheriff or Dep'ty or Constables of the Town of Berwick or to any or Either of Them Greeing—

Whereas Information is given to me the Subscriber one of his Majes'tys Justices of the peace for Said County by Moses Hubbord of Berwick aforesd Joyner that one Will'm More a Pedler or Petty Chapman is Now Residing at the house of Phillip Hubbord in said Berwick and has with him sundry goods and Merchandizes for Saile & that he has Travelled from town to town Exposeing said Goods to Sale or has Sold to Sundry persons which is Contrary to the Laws in that Case made and provided. These are therefore to Require you in his Majest'ys Name forthwith to Aprehend the sd William More and Bring him before me to be Examined touching the Premisses and further Proceeded with according to Law fayle not at your Perrill Given under my hand and Seal the 25th day of Dec'r in the Eighth year of his Maj'stes Reign Annoq Domini 1721

Jos Hammond

You are alike Required to Seure in your Safe Custody all Such goods and Merchandize as are those in the Custody of sd More and them Safely keep untill further order from Lawful Authority

Jos Hammond J Peace

You are also to Summon Phillip Hubbord, Jacob Redington, Daniell Goodwin Sen'r and Moses Goodwin Sen'r to Appear at the Same time to give evidence of the truth of what they know Relating to the Premises

Jos Hammond J Peace

Vera Copia Exam'd Jos Hammond J Pac

[Reverse]

York Ss Dec 25th 1721

Pursuant to the within warra't to me Directed I have apreheaded the person of the within Named Wm More and have herewith brought him and I have also Secured a pack of goods in the Custody of Jacob Redington belonging to sd Wm More & have also Sumoned Danill Goodwin & Jacob Redington the other two I could not find.

Sam'll Hodsdon Constable

Vera Copia Exam'd Jos Hammond J Pac.

[2] Wm More a Pedler or pettey Chapman being brought before me for Travilling from town to town with goods and Marchandize and Exposeing them to Sale as per the Information, Upon his Examination Saith that about three Months Since he had Sundry goods brought by Mrs Stone from Boston to York which goods he Some time Last week removed to barwick where he had Liberty of Jacob Redington to keep them in the house where he lives and that he has since he Came there Exposed them to Sale Taken Dec. 25th 1721

Att's Jos. Hammond J. Pac.

Vera Copia Exam'd Jos Hammond J. Pac

Daniel Goodwin being Sworn Saith that on fryday last being the 22d Instant he bought of Wm More a yard and halfe of Stuff for handcarchiefs in the house of Phillip Hubbard in the room where sd Hubord Lives

Taken Dec 25th 1721 per Jos: Hammond J Pac

Vera Copia Exam'd Jos Hammond J Pac

Jacob Redington being Sworn Saith that on Saturday Last Wm More Came to the room where he Lived in Phillip Hubords house and there ware goods in Several parcells

which he understood belonged to Wm. More; the deponant further Saith that this Day after the Constable apprehended sd More he Desired Liberty to keep at his house or room which he granted him but made no agreem't for time or price

Taken Dec 29th 1721

per Jos. Hammond J Pac

Vera Copia Exam'd Jos Hammond J Pac

[3] York Ss Decemb'r 25 1721

Wm More a Pedler or petty Chapman, being this day Brought before me the Subscriber one of his Maj'tys Justices of the Peace for sd County by the Information of Moses Hubbord of Berwick in the County aforesd Joyner for Exposeing Sundry goods and Marchandize to Sale in Berwick & travilling from town to town with goods and Saleing to Sundry persons Contrary to the Laws etc. as per the Process

The sd Wm More being Examin'd touching the premisees together with the Evidences Appearing against him, Its Considered that he give Securely to the vallue of forty Pounds for his appearance at the Next Court of Gen'll Sessions of the peace to be holden at York for sd County on the first Tuesday of Jan'y next to answer what shall then and there be Exhibited Ag'st him Relating to the premisses and also that the sd Moses Hubbord give Bonds for his Appearances at sd Court in order to prove his said Information

Jos Hammond

Memorandum Moses Hubbord Acknowledged himself Bound in a Bond of five pounds for his Appearance as aforesd

Before Jos Hammond J Peace

Vera Copia Exam'd Jos Hammond J. Pac.

[4] [Recognizance. 25 Dec. 1721.

Before Joseph Hammond, J.P.

William More, principal, "a Pedler or Petty Chapman."

Daniel Stone, "Cordwainer" and Jacob Redington, "Cooper," sureties.

Amount: £40. Condition: that said More appear at next Court of Gen. Sessions to answer (etc.)]

[5] York Ss. To the Constable of Berwick Greeting You are hereby required in his maj'tys name to give personal Sumons to Moses Goodwin Senior, Phillip Hubbard, John Hubbord, Miles Goodwin, Sarah the wife of David Stone, and Sarah Goodwin Daughter of Daniel Goodwin, Senior, and Patience Hubbard, All of Berwick afores'd that they appear before his maj'tys Justices at the next Court of Gen'l Sessions of the peace to be holden at York for sd County on the first Tuesday of January next To Testify the Truth of what they know relating to Wm More a Pedler or Petty Chapman his Selling or Exposing to Sale any goods wares or Merchandize in the Town of Berwick or Elsewhere or Travelling with goods from town to town or house to house And make due return under your hand according to Law

Dated in Kittery the 26th of Dec Anno Dom 1721

Jos. Hammond J. Pac.

[Reverse]

I have sumonsed phillop Hubbord and John Hubbard Sarah Stone the wife of Danniall Stone, Sarah Goodon the Dafter of Danniell Goodon S'r.

per Sam'el Hodsdon Con'st

[6] The Dipposition of Sarah Gooding of full age testifieth & saith that on the 22 day of December Last that she bought of William More at Mr Phillip Hubards House In Berwick Three Quarters of a yeard of muslin and a yard & a half of firritting and a yard and Quarter of Lase for a Cap and for fine thread 12 pence in black silk 9

penne worth, & Patience Hubbard bought a pare of garters and I see a Poke mantle with sundry other goods and furdor saith not only that sd goods were in the possession of William more

York Ss Jan'ry 2d 1721 Sworn in Court

Attest Wm Pepperrell Clerk

[7] The Diposion of John Hubbord testyfieth and Said I being in my Brother phillop Hubbard house December the 22 day and saw good[s] lay open & Saw Daime goodon hand long goods & I saw my unekell Gooding By goods of William More and further saith not

furdor Steven Tobey saith that he being at Hubbord the day and hour menchoned and saw a portmantell open in the house but saw none sold nor bought and furdor saith not

York Ss Jan'y 2d 1721 Sworn in court

Attest Wm Pepperrell Clerk

[8] The Diposition of Sarah Stone of full age testifith and saith on the 22 day of December last that I Bouht three Shillings an one penne worth of smole trifeles [*illegible*] and I see souem goods oppen and further saith not [*remainder of statement added*] only that I bought sd goods of Wm More at Phillip Huberds house in Berwick the goods being in the Posession of sd More

York Ss Jan'y 2d 1721

Sworn in Court

Wm Pepperrell Clerk

[9] Phillip Hubbort being Sworn in court Saith that thursday before Christmas Last Wm More was at his house and the next morning he askt him to hier of him. The sd Hubbard Told him he could not resolve [*sic*] him before he came back from Dover. There was a pack of goods at this Depont's house w'ch he [?] Suppos'd Wm. More Brought there: & that he said he wanted a room to keep his goods in to Sell.

Yorks Ss Jan'y 2d 1721

Sworn in Court

Attest Wm. Pepperrell Clerk

[10] York Ss To the Constable of Kittery Greeting You are hereby required in his Maj'tys name to give personall Sumons to Mistress Sarah Bartlet, Mary Heard, Abigail Heard & Stephen Tobey Jun'r all of Kittery afores'd that they Appear before his Maj'tys Justices At the next Court of General Sessions of the peace to beholden at York on the first Tuesday of Jan'y next to Testify the Truth of what they know relating to one Wm More a Pedler or Petty Chapman his Travelling with Packs or Exposing to Sales any goods or Merchandizes in the town of Kittery or Berwick Since the first of Dec'r Instant and make return und'r yor hand According to Law Dated the 29th of Dec'r

Anno Dio 1721

Jos. Hammond J. Pac

[*Reverse*]

York Ss

Pursuant to the Within to me directed I have sumoned Sara Bartlett & Stephen Tobey the others I cold not find.

John Rogers Con'st

[11] York Ss At a Court of Gen'l Sessions of the peace holden at York Jan'ry 2d 1721

Whereas Wm More a Pedler or Petty Chapman being bound over to this court by Joseph Hamond Esq one of his Maj'tys Justices of the peace for'sd County to answer

what Should be Exhibited Ag'st him relating to his Travelling with goods Exposeing them to Sale or Selling them Contrary to Law Set by Information of Moses Hubard of Berwick [*illegible*] Sundry Evidences Appearing relating to the premisses, The sd Wm. More is Indicted by sd Court for that he on the 22d of Dec'r Last had goods open in the house of Phillip Hubord in Berwick and that he did on sd day Expose to Sale & Sell Sundry goods and merchandizes he not being an Inhabitant of sd Town which is Contrary to the Laws this Province in that Case made & provided per order of the Justices of the Court of

Gen'l Sessions of the peace

Wm Pepperrell Cler]

John Harmon being bound over to this court by Jo's Hammond Esq'r one of his Maj'tys Justices of the peace for Sd county for Refuseing to make Oath relateing to a ram w'ch was damnify'd belonging to Rich'd King as per the record. The Sd John Harmon appearing made Oath as required: Its considered by the court he pay Fees of court 17s. & be Acquit'd.

[Y.F. 1721-1722, No. 6.]

[1. *Copy of the Proceedings in the case before Joseph Hammond, J.P. This is a large piece of foolscap, folded to make four pages.*]

[Page 1]

York Ss. Nov'r 11th. 1721

John Staple & Mary his wife, John Remich, Sollomon Staple, John Tompson & Elizabeth Libby being Summoned before me the Subscriber one of his Maj'tys Justices of the peace for sd County By the request of Mr. Richard King of Kittery to Testify what they know relating to the Gelding, Cutting, wounding, hurting or killing of a ram Belonging to sd King which he had lost.

The sd John Staple, Mary Staple, John Remich, Sollomon Staple & Eliz'a Libby upon their oaths Say that they know nothing relating to the premisses.

John Tompson refuseing to take the Same oath But upon his Oath Saith he knows nothing of Any person Cutting the ram &ca. Excepting himselfe, only remembers, that his young man John Harmon held a ram while he was Cutt Some time within three months, and being askt whether he knew the man that Cutt the ram Answered he did not know him very well or not so well as he should do.

Nov'r 11th. 1721 Sworn Before Jos. Hammond J. Pac's

Vera Copia Exam'd Jos Hammond J. Pac's

Nov'r 24th 1721. John Harmon being Summoned before me the Subscriber one of his Maj'tys Justices of the peace for sd County by request of Mr Rich'd King to Testify the truth of what he knows relating to the Cutting, wounding, Gelding or killing of a ram belonging to the sd Rich'd King of Kittery, The sd John Harmon Appearing & being required to make Oath relating to the premisses, John Tompson being present did obstruct & hinder him Saying sd Harmon was not obliged to make Oath, and that it was best for every one to have his humour and that he thought it unreasonable to require it upon which sd Harmon Said he would not Sware at all relating to the premisses Neither against himselfe or any other. Its therefore Considered that he give bonds for his good behaviour till the next Gen'll Sessions of the peace to be holden at york for sd County on the first Tuesday in Jan'ry next & there to Answer for his so refuseing to Testify the Truth, and Stands Committed

Memorandum. Nov'r 25th 1721

John Harmon, John Staple and Rich'd Gowell Acknowledge themselves bound and [page 2] firmly obliged unto the King's Maj'ty in the penall Sum of five pounds, that the sd John Harmon Shall Appear at sd Court as aforesd and be of good behaviour in the mean time

Jos Hammond

Vera Copia Exam'd Jos Hammond J: Pac's.

[Page 4]

York Ss To the Constable of Kittery Greeting—

You are hereby required in his Maj'tys name to give personall Summons to John Staple, & Mary his wife, John Remich, Solomon Staple, John Harmon, John Tompson and Elizabeth Libby daughter of Mathew Libby all of Kittery aforesd that they appear before me the Subscriber one of his Maj'tys Justices of the peace for sd County at my dwelling house in Kittery aforesd on Saturday the Eleventh of Nov'r Instant at three of the Clock afternoon to Testify the Truth of What they know relating to the Gelding, Cutting, Wounding, hurting or killing a ram belonging to Mr Rich'd King of Kittery aforesd at any time in the month of Sept'r or October last & make due return under your hand According to Law. Dated the 10th day of Nov'r in the Eighth year of his Maj'tys reign Annoque D'mi 1721

Jos. Hammond

Nov'r the 11th 1721

I have Summoned all the persons within named Except John Harmon who is not to be found

per me John Rogers Const'ble

Vera Copia Exam'd Jos Hammond J. Pac's.

York Ss. To the Constable of Kittery Greeting

You are hereby required in his Maj'tys Name forth with to Sumon John Harmon of Kittery aforesd that he Appear before me at my dwelling house in Kittery on fryday the 24th of Nov'r Insta't at Ten of the Clock in the forenoon to Testify the Truth of what he knows relating to the Cutting, Wounding, Gelding or killing a ram belonging [above line: or reputed to belong] to Mr Rich'd King of Kittery at any time within three months before the date hereof

Dated the 21st of Nov'r 1721:

Jos Hammond J: Pac's

Nov'r 24th 1721. I have Sumoned John Harmon to Appear According to the within Sumons

John Rogers Const'able

Vera Copia Exam'd

Jos Hammond J. Pac's

[2.] York Ss.

To the Sheriff of the County of York his under Sheriff or Dep'ty or Constable of the Town of Kittery or to any or Either of them Greeting.

Whereas John Harmon of Kittery being Summoned to Appear before me the Subscriber one of his Maj'tys Justices of the peace for sd County to Testify the Truth of what he knew relateing to the Cutting, wounding, Gelding or killing a ram belonging or reputed to belong to Mr Rich'd King of Kittery, The sd John Harmon refuseing to make oath relating to the sd ram, And there being Vehem't Suspicion that he was knowing of or Assisting in the killing, wounding or destroying him, And the sd Harmon refuseing baile for his Appearance at the next Sessions to answer for his So refuseing to make oath to the truth or for his good behaviour in the mean time.

These are therefore in his Maj'tys Name to Command you that you Deliver the sd

John Harmon to the keeper of his Maj'tys Goal within the sd County and his Mittimus herewith Sent, fayle not at your Perrill and make return of your doing herein.

Given under my hand & Seal at Kittery the 24th day of Nov'r in the Eighth year of his Maj'tys reign Annoque Domini 1721

Jos: Hammond

[Reverse:]

Pursua't to the within warra't to me Directed I went with the prisoner part of the way to the Goal but he Desireing to be Admitted to Baile I have herewith returned him
Nov'r 25th 1721

John Rogers, Constable

[3.] [*The mittimus*]

York Ss.

To the keeper of the Common Goal in the County of York Greeting.

These are to require you in his Maj'tys Name to take into your Goal & Custody the body of John Harmon herew'th Sent you for that he the sd John Harmon refuseth Baile for his Appearance at the next Gen'l Sessions of the peace for sd County to Answer for his refuseing to make Oath to the truth of what he knows relating to the Cutting, wounding, Gelding or killing a ram belonging to Mr Rich'd King of Kittery, and [*there*] being vehem't Suspicion that he was knowing or Assisting in the Same, And also refuseing Baile for his good behaviour in the Mean time; And that you do him Safely keep untill he be discharged by order of Law fayle not at your Perrill

Given under my hand & Seal at Kittery the 24th day of Nov'r in the Eighth year of his Maj'tys reign Annoque Domini 1721

Jos: Hammond J: Pac's

[4.] [*In the hand of William Pepperrell, Jr.*]

The Deposeshon of John Harmon of full age testify'th & Sai'th

I this Depon't Saw my Mast'r John Tompson Cutt a white ram sum time Last fall: & that he [*sic*] doss not know whos ram it was, only he has heard it to be reput'd to Mr. Rich'd Kings ram

York Ss. Jan'ry 2d 1721

Sworn in Court Attest

Wm Pepperrell Cler]

Gabriel Hamblton came into Court & Acknowledg'd that he had Comitt'd Fornication. Its considered by the Court that he receive Seven Strips upon his Naked back at the post & pay Fees of Court 5s or that he pay a fine to the King of thirty Shillings & Fees of court as afores'd & Stands comitt'd.

Order'd That the sd Hambltons wife Answer before Charles Frost Esq'r one of his Maj'tys Justices of the peace for Sd county at what time & place Sd Justice Shall appoint, and that he make return of his proceedings at the Next Sessions.

Dan'l Stone & Sarah his wife being bound over to this court by Jo's Hammond Esq'r one of his Maj'tys Justices of the peace for Sd county of York upon Suspition of conveying away & concealing Sundry goods w'ch w'r Seas'd by the Constable of Berwick; as per the recognizance's, the Sd Danil Stone & his wife appearing & being Exam'd &

nothing appearing Sufficient to convict them Its consider'd by the Court they pay Fees of Court 32s 6 & be requit'd.

[7:41]

John Goodwin being bound over to this court by Joseph Hamond Esq'r one of his maj'tys Justices of the peace for Sd county to be Exam'd touching the Stealing & conveying away certaine parcel of goods as per the process record & recognizance, the Sd Goodwin being call'd and not appearing Its ordered by the Court that his Recognizance be declar'd forfeit'd and that a writ of Scire facias Issue out of the Clerks Office against the Sd John Goodwin Principle & Phillip Hubbart and John Hubbart Suretys all of Berwick in the county afores'd for their Appeareance at april sessions Next to be holden at York to (to) shew cause if aney they have wherefore a warr'tt of distress ought not to goo forth ag'st them for the Sum of One hund'rd Pounds Curr'tt money of aforesd [sic] to be Levied on their goods or Chattells Lands or Tenem'ts for the Use of our Sovereign Lord the King forfeit'd for the Sd John Goodwin makeing Default & not appearing.

Thomas Newman being bound over to July Court Last by John Penhallow Esq'r one of his Maj'tys Justices of the peace for Sd. county as by his recogniz'ce and by the Sd Newmans request continued untill Octob'r Court following and New bonds then given the Sd Newman Principle & Rich'd Coller & Nath'l Donnell Suretys bound in the Sum of Ten pounds that the Sd Thomas Newman being call'd at Sd Octob'r court & not appearing It was order'd that his bonds should be declar'd forfeit'd & by his request in writeing then present'd to the court the writ of Scire facias was Suspend'd untill this court, to See where [whether] he would com into court and Take his Tryall, w'ch he has not don. Its Order'd by the court that a writ of Scire facias Inssue [sic] out of the Clerks Office ag'st the Sd Tho's Newman, Rich'd Coller & Nath'l Donnell for their appeareance at april Sessions Next to be holden at York to Shew cause if aney they have w'rfore a warr'tt of distress ought not to goo forth ag'st them for the Sum of Ten pounds Curr'tt money of aforesd to be Levi'd on their goods or Chattels Lands or Tenem'ts for the Use of our Sovereign Lord the King forfeit'd for the sd Newmans default in not appearing

Danil Green being bound over to This Court by Joseph Hammond Esq'r one of his Maj'tys Justices of the peace for Sd county for threaten-

ing to Shoot Stephen Feild as by the process & record, the sd Danil Green appearing & owning the fact, Its considered by the Court that he pay a fine to the King of twenty Shillings & Fees of Court 23s 4 and that he give bond w'th Sufficient Suretys for his good behavi'r untill the Next Session & Stands Comitt'd.

Memorand'm Danil Green Principle & John Rogers & Moses Hubbard Suretys Acknowledge them Selfes bound & Oblig'd unto the Kings majesty in the penall Sum of Ten pounds that the Sd Danil Green Shall be of good behavior towards his Maj'ty and all his Liege people untill the next Court of Gen'l Sessions of the peace to be holden at York for the county aforesaid upon the first Tuesday of April Next & also for his appearance There.

[Y.F. 1720-21, No. 6]

[1]

York Ss. To the Sheriff of the County of York his und'r Sheriff or Dep'ty or Constables of the Town of Kittery or to any or Either of them Greeting

Whereas Stephen Field of Kittery in the County of York Coaster Came this day before me and Inform'd in behalfe of our Sovereign Lord the King that the sd Field about Seven or Eight of the Clock in the Evening of the 13th of Dec'r Insta't was Coming down in the highway near the house of Daniell Green of Kittery Aforesd the sd Daniell Green Came out of his house and Called to sd Field he would Shoot him through the heart with a brace of bullets At the same time presenting his gun at sd Field and Swore he would Shoot him as aforesd. Mr Joseph Curtis & Rich'd Rice being at that time passing the road sd Field ran between them and desired them to bear witness, All which proceedings of sd Greens are against the peace of our Sovereign Lord the King his Crown and Dignity.

These are therefore to require you in his Maj'tys Name to Apprehend & Secure the sd Daniel Green & bring him forthwith before me or Some other of his Maj'tys Justices of the peace for sd County to be Exam'd Touching the premisses & further proceeded ag'stt According to Law, fayle not at Your Perrill. Given under my hand & Seal in Kittery aforesd the 14th day of Dec'r in the Eighth year of his Maj'tys reign Annoque Domini 1721

Jos Hammond J. Pac's

You are also to Sumon the sd Stephen Field, Mr Joseph Curtis, Stephen Tobey, Rich'd Rice & Abra'm Cross to Appear & give Evidence at the Same time relating to the premisses and also to John Rogers Constable of sd Kittery to Testify what he knows relating to the Same

Jos Hammond

Vera Copia Exam'd Jos Hammond J. Pac's

[Reverse:]

York Ss. Dec'r 16th 1721 I have Aprehended Daniel Green within named and herewith brought him and also Sumoned the Evidences within named Excepting Joseph Curtis & Rich'd Rice who were not to be found

per Jno. Rogers Constable

Vera Copia Exam'd Jos Hammond J. Pac's

Dec'r 16th: 1721

York Ss Daniel Green Appearing as per the within warra't, Its Considered that the

sd Daniel Green give bonds for his Appearance at the Next Sessions to Answer what Shall be objected ag'st him on his Maj'tys behalfe & for his good behaviour in the mean time

Jos. Hammond J. Pac's

Vera Copia Exam'd Jos Hammond J: Pac's

[2] [The recognizance: Personally appeared before Joseph Hammond, 16 December 1721, Daniel Green, Stephen Toby and Thomas Hanscom "all of Kittery." Bond was set at ten pounds. Recognizance, that Daniel Green will appear at the next Sessions of the Peace "to Answer what Shall be objected against him on his Maj'tys behalfe for Appearing armed with his gun & threatning to Shoot Stephen Field of Kittery."]

[3. *Copy of testimony taken before Justice Hammond 16 Dec'r 1721*]

Stephen Tobey Saith that hearing a noyes at Daniel Greens Wednesday night last [he] went over to Inquire into the matter. Daniel Green told him Stephen Field had been there and he was afraid of his life sd Green had his gun with him. The Depona't asked sd Green to leave his gunn but he would not Saying these words following I Sware I will Shoot Stephen Field and afterward heard sd Green Say at John Rogers his house the Same and that he would Shoot Field as Soon as he would an Indian If he did by him as he did the Night before

Taken upon Oath Dec'r 16th 1721 Before

Jos Hammond J. Pac's.

Vera Copia Exam'd Jos Hammond J. Pac's.

Abra'm. Cross Saith that Wednesday night Last being the 13th of Dec'r Insta't he heard Daniel Green Say at John Rogers his house that he would Shoot Stephen Field through the heart John Remick being present replyed he had better Shoot him in the Leggs Green replyed No I sware I'le Shoot him through the heart sd Green haveing his gun then with him. John Rogers Testifyes the Same only doth not remember the word Sware

Taken upon Oath this 16th Dec'r 1721

Before Jos. Hammond J Pac's

Vera Copia Exam'd Jos Hammond J: Pac's]

Order'd that The Town of Scarborough Send One grand Jurior the Next year.

[7:42]

Presentments Made to this Court by the grand Inquest are as Followeth Vizt:

We present Rebecca Donnall for Fornication for haveing a black Child—York

Berwick, we present Gabrael Hamblton & his now wife for Fornication

We present Eliz'a Spinny²⁸ for Fornication

We present Peter Whittom for Cursing

We present John Furbish for Cursing

We present Sam'l Littlefeild of Wells for Swareing

DANIL SIMPSON Foreman

²⁸ Spinney, Wittum, and Furbush were all of Kittery.

ANNO REGNI REGIS GEORGII OCTAVO

At a Court of Gen'l Sessions of the peace holden at York
for & within the county of York. April 3'd 1722.
Pres't John Wheelwright, Charles Frost, Abraham Preble,
Jo's Hammond & Jo's Hill Esq'rs

Imprimis:		
Danil Simpson Foreman	Benj'a Gold	Micum Mackentier
Cap't Sam'l Wheelwright	John Watt	Javes Doreman
James Sampson	David Libby Jun'r	Jon'a. Stone
Joseph Gellison	Dodivah Curttice	
Danil Emery Jun'r	John Sharpe	

The grand Inquest for the year Ensueing being Sworn are as follow'th
vizt.

Imprimis Caleb Kimble Foreman		
Moses Stephens	Nathen Rayns	Rich'd Stimpson
Sam'l Savery	Sam'l Milbery	Danil Furbish Jun'r
Rich'd Nason	Danil Varnum	Thomas Hanscom
John Millaken	John Mackentier	Francis Pittegrove
Jo's Weeks	John Watson	

Order'd that twenty two pounds Eighteen Shillings be pd out of the
county Treasur'y to John Leighton Esq'r being the ballance of his
Sheriffs acco't as by the particulars in the acco't on file Appears.

[Y.F. 1722, No. 3]

[*The Sheriff's account; April 1722*]

[From April 20th 1721 to April 3d 1722	
The County of York Dr to John Leighton	
Sheriff of sd County	
for sending Proclamations for a fast at	
3d per mile	1: 0: 0
To Sending warrants for Jury men for	
the Supearior Court	:12: 0
May 10th for Sending precepts for	
Representatives	2: 0 -0
To Making out Warrants to Each Town	0:18 -0
To Sending Laws & vols of the House	
of Representatives	1:10 -0
July 5th for a fast ditto	1:00 -0
27th for Sending Precpts for	
Representatives	2:00 -0
to makeing out warrants to Each Town	0:18 -0
To Sending the Provence Tax to the	
Select men	1-00 -0
to Sending warrants to the Constables	
for the Provence Tax	1-00 -0

October 5th for Sending Laws to Each	
Town	1-10 -0
25 for a Thanksgiveing Procla'm	
Expressed	1-00 -0
December 14th for Sending Laws to Each	
Town	1-10 -0
18th for Proroging the General Court	1-00 -0
January 13th ditto for the General Court	1-00 -0
[no item]	3-00 -0
Prison Salery—prison Keeper	2-00 -0
	£22-18 -0]

Thomas Hutchings appearing to answer his presentm't for not Attending the Publick worship of god being thereof convict'd Its considered by the Court that he pay a fine to the Use of the poor of the Town of Berwick of Twenty Shillings & Fees of Court 12 & Stands comitt'd.

[7:43]

Thomas Newman being brought to this Court by a writ of Scire Facias to Shew cause if any he had wherefore a warr'tt of Distress Should not Issue forth against him on his maj'tys behalf, for that whereas he was bound over to July court last as per his recognizance &c in the Sum of five pounds by John Penhallow Esq'r one of his Majesties Justices of the peace for sd county: and by the Sd Newmans request who then appeared: & by his request New bonds given in the penal Sum of Ten pounds for his appearance to Octob'r Court then following: he being then call'd & not appearing: It was then considered that his bond should be declared forfeit'd, Except he Should com into January Court following & take his Tryall, w'ch he did not. He Shewing no Sufficient reason to this Court for his not appearing Ordered that a warr't of distress Issue out of the Clerks Office ag'st the Sd Thomas Newman for the Sum of five pounds money forfeited to his Majesty & that he pay fees of Court: 49s & Stands comitt'd.

[Y.F. 1722, No. 3]

[The papers in this case are torn, which is perhaps to be expected. They were sent back and forth from Georgetown to York, perhaps several times. They were apparently enclosed in a sheet folded to make an envelope, on the outer fold of which appears the superscription:]

On His Maj'tys Service
To The Honourable
The Judges of the Inferiour
Sessions of the Peace
to be Holden in York the
4th of July Next

[1] York Ss To the Sheriff his Under Sheriff or Deputy of Said County or to Either of the Constables of the Town of George Town Greeting

[Seal] Whereas Sam'l Denny, Jabez Utter, Sam'l Pike, Benj. Wright and Jon'a Preble all of George Town aforesaid were this day commanded by Me the Subscriber in His Majesties Name to take Tho: Newman of George Town aforesaid & carry & Set [him] in the Stocks for his rudeness and Abuzes who in my Presence & to My face neglected and refused to Obey, These are therefore to require You in his Maj'tys Name to Apprehend the said Thos: Newman, Sam'l Denny, Sam'l Pike, Benj: Wright, Jabez Utter & Jon'a Preble if found in your Precinct and them Safely keep So that they may be had before Me John Penhallow Esq'r. at my Dwelling House forth with to answer their Contempt and be proceeded against as the Law directs. hereof fail not at your Peril. Dated in George town June 24th: 1722 In the Seventh Year of His Majestys Reign.

John Penhallow

George Town June the 26th 1722. By Vertue of the within Warrant I have Apprehended the Within named Persons and have them in Custody Except Benj Wright who is a Soldier & ordered by his Officers to return to his Post

James Hall

Cons. of G. Town

Verte

[On the reverse: Penhallow has recorded here his proceedings against the men.]

The Warr't being Read Each Person was ordered to pay their fines &cta: or be Set in the Stocks. Except Newman, who was bound to the Sessions as below. Upon w'ch Jona: Preble pd his fine & Charges & was there upon Discharg'd. The Other three appealed to the Sessions

[There follows a notation of the recognizances of Utter, Denny, and Pike in £5 each. Sureties were Thomas Salter and Thomas Clark. After that came the recognizance of Thomas Newman, Salter and Clark serving also as his sureties.]

[At the bottom of the sheet:]

Charges in Guarding	
[Illeg.] 1s day Each	2
Clarke & Salter 1 day	2
Oliver	1
Hogg & Ferguson 1 night	2
Col Mr Smith 1 night	2
Constable	2
His Attendance	3
Warr't & Serving	2
	<hr/>
	£ -16-

Fines According to the Degree & Circumstances of each mans offence

Pike	-	5s	his pt: of the charges	4
Utter	10s		charges	4
Preble	5s		his charges	4
Denny	20s		charge	4
				<hr/>
				16[s]
			fines	£ 2
			[Total]	<hr/>
				£2:16

[2. An incomplete (torn) letter from John Penhallow to the Judges of the York Court.]

Georgetown June 26: 1721

Gent:

This Serves to inclose 4 recognizances of our Peoples for their appearance at the Sessions in the County of York, to be holden in York the 4th of July Next.

Newmans offence is briefly Set forth in the Warr't (by Calling it only his rudeness & Abuses).

I shall abbreviate the relation of the Matter as much as Can be. Newman Demanded of me after his Usual way of Insolence a Copy of Shortwells Compl't Agst him as also Trescots Evidence, wich I told him Should be done though I Could not that Minute attend it. I asked him what he would do with Part of the Copys, telling him I thought it would be of no Service to him without the whole, who replied, what is that to you, if I pay you for'em I will [*rest of page missing. On the reverse, the story picks up as follows:*]

. . . they Consulted together (According to Mr. Prebles relation of the matter) to Save their fines, to go & put Newman in the Stocks & to bear him Company & all of 'em geting into the Stocks together, they Shouted in a Contemptuous manner & Sat there a minute or two, & then went their ways & so Defyed me doing anything with them, where upon I was obliged to Call 'em to Act for their Contempt, & herewith you have my proceedings. I have Born a Great Deal of this People & particularly w'th: this Newman, who destroys by his Contentions & making Partys Every thing that is intended for the Good of the Town. I hope you will Consider of the matter; as the thing is, I must throw up my Commission or be Strengthen'd in the Just Execution of the office. His Abuses & reflections was not only at me but upon the Gov'r & Government, by Saying, Who the Devil, or what Devil gave me my Power to Set him in the Stocks &ct:

[*Rest of page missing.*]

[3. Writ of scire facias for Newman, and for Richard Coller and Nathaniel Donnell, his sureties. Summary of the facts: Newman appeared in July (1721) Court, and recognized to come in October. In October, he requested a continuance to the January Court, which continuance was granted. He defaulted then, however, and his recognizance is therefore here forfeited. This writ dated 19 January 1721-22, was drawn and signed by William Pepperrell.]

[*The returns on the reverse:*]

[Benjamin Larrabee, on Feb. 16, returns that he has summoned Richard Coller, but that Newman and Donnell are not to be found in his precinct. John Leighton, the Sheriff, returns [no date] that "Tho newman & Nath'll Duniel have been Sumoned by me."

Sheriff's fees came to twenty shillings.]

John Goodwin of Berwick in our county aforesaid being Brought to this Court by a writ of Scire Facias to Shew cause if any he had wherefore a warr'tt of Distress Should not Issue forth against him on his Maj'tys behalfe for the forfeiture of his Recognizance of one hundred pounds Curr'tt money payable unto us our heirs & Successors with Condition that the Sd John Goodwin Should personally appear before our Justices at our Court of Gen'l Sessions of the peace holden at York in our county of York upon the first Tuesday of January Last & their to be Examin'd touching the Stealing & conveying away certain parcell of goods: &c, the Recognizance being taken by Joseph Hammond Esq'r one of his Majesties Justices of the peace for Sd county; the Sd Good-

win at Sd January court did not appear; he appearing at this Court and Shew'd reason for his Non appearance at Sd Court w'ch was accept'd, and being Exam'd relateing to the premises & nothing appearing Suffi-
cient to convict him, Its considered by the court he pay Fees of Court,
38s 6 & be acquitted.

[William More's "bagg" of goods brought trouble to others, as well as to himself. The constable, Samuel Hodsdon, had a busy Christmas day. He had to turn over to Jacob Redington the seized pack or "portmantle," and Redington clearly chose badly in locking it up in Philip Hubbard's house, in a room with a trapdoor to the "seller." Several people spent a merry Christmas going over the "bagg" in Daniel Stone's house.]

[Y.F. 1722, No. 1]

[1] York Ss. To the Sheriff of the County of York his under Sheriff or Deputy or Constable of the Town of barwick or to any or Either of them Greeting.

Whereas a Certaine bagg or pack of goods belonging to Wm More a Pedler or Pettey Chapman was on Monday the 25th of Dec'r Instant Seiz'd and Secured by order of Law and Committed by the Constable of barwick to Jacob Redington of sd Barwick Since vizt Some time the Same day or the Evening following Some Ill Disposed persons have Stolen and Conveyed away the greater part of sd goods and sd Redington Informs the Constable as he Saith that that his house or room where sd goods was Secured was broken open &ca.

These are therefore to require you in his Maj'tys Name forth with to make Diligent Serch in all Suspicious houses or places within your precinct for any goods which you Suspect did belong to sd More and if in your Serch you find any Such goods to take the Same and Secure it in your Custody and the person or persons with whom you find the Same or Other wise Suspect to Seize and bring forthwith before me to be Examined Touching the premises and further proceeded against according to Law and all his Maj'tys Subjects are to aid you. Herein fayle not at your perrill Given under my hand and Seal this 26th day of Dec'r in the Eighth year of his Maj'tys Reign Annoque Domini 1721.

Jos Hammond J Pacis

You are also to Summon Jacob Redington & Elizabeth his wife, Patience Hubord and Mary Davis, Daniel Stone, Sarah his wife and John Goodwin of sd Berwick to appear at the Same time to Testyfie the truth of what they know relating to the premises

Jos: Hammond J Pacis

Vera Copia Exam'd Jos Hammond J: Pacis

[Reverse:] York Ss. Pursuant to the within warr't to me Directed I have made Search as within Directed and find None of the goods within Mentioned. I have also Summoned all the persons within Named Except Patience Hubord who I could not find

Sam'll Hodsdon Constable

Vera Copia Exam'd Jos Hammond J: Pacis

[2] Jacob Redington being Sworn Saith that he had a Large pack of goods Comitted to him the 25th of Dec'r Instant which was Siez'd by Saml Hodsdon Constable of Berwick which pack he put into a room in Phillip Hubords house and lockt up but being at the Same time Summoned as an Evidence against one Wm More who Owned sd Pack he left the Key with his wife but upon his return the Same Night found the greater part of sd goods in bulk gone out of sd Pack and that he knows not who Convey'd it away but Saith there was a Trap door from sd room into the Seller open

Taken the 27th Dec'r 1721 Before Joseph Hammond J Pac
Vera Copia Exam'd J Hammond J: Pacis

[3] Eliz'a Redington being Sworn Saith that on Monday Last there was a Pack at Phillip Hubords house which was brought there by Wm More Siez'd by Sam'l Hodsden Constable of Berwick and it was put into a room in the house of Phillip Hubord & the door was Lockt & her husband gave her the key & went away & the Night following return'd againe and that She knows nothing Directly or Indirectly of any person or persons handling sd Pack or anything in it or removing or disposing of it and that She knows nothing of any person being in the room Except herselfe from the time her husband went away untill he return'd

Taken the 27th Dec'r 1721

Before Jos Hammond J. Pacis

Vera Copia Exam'd Jos Hammond J Pacis

[4] Mary Davis Sworn Saith that She was on Monday Last at Phillip Hubords house in Berwick Soon after Constable Hodsden had been there & Siez'd Some goods & was gone. She Stayed there with Eliz'a Redington about two hours and went away againe & came againe in the Evening and lodged w'th sd Redington till her husband Came and then rose & went home with her Child, that She knows nothing Directly or Indirectly of the Conveying away sd goods or pack

Taken the 27th Dec'r 1721

Before Jos Hammond J: Pac

Vera Copia Exam'd Jos Hammond J Pac

[5] Daniel Stone being Sworn Saith that he knows nothing Directly or Indirectly of Any goods, pack or portmantle removed from Phillip Hubords house or Any other or Carried into Any other house in Berwick Since Thirsday Last and that he knows nothing of the Conveying away any goods from sd Hubbords which was reputed to be Wm Mores nor never Saw any Elsewhere

Taken Dec'r 27th 1721 Before Jos Hammond J Pacis

Vera Copia Exam'd Jos Hammond J: Pacis

Sarah the wife of Daniel Stone Sworn Saith that She Saw a Portmantle which was reputed to be Wm. Mores on Monday last in the Evening At sd Daniel Stones house She likewise Saw the Same the Latter part of the Same night in the Same house and that Wm More was there the Latter part of the night And She Saw the portmantle with him open & Saw goods in it And She Saw it not Since. She Also Saw in sd Stones house a piece of Camlet Tuesday Morning Last And heard sd More Say he had a piece of Stuff there which she presumes to be the Same it being between the uper & under bed in sd Stones house or under both on the Cord which is Since removed from thence She knows not by whom nor where.

Taken the 27th Dec'r 1721

Before Jos Hammond J Pacis

Vera Copia Exam'd Jos Hammond J: Pacis

[6] John Goodwin being Sworn Saith that on Monday last after the Constable had Siez'd Some goods at Phillip Hubords he Saw at the house of Daniel Stone of Berwick a Portmantle and that Daniel Stone was then in the house with him. Being asked if he knew how it Came there Answered he was not to Sware against himselfe. [B]eing asked if he knew of any that was Privy to or Assisting in Conveying sd Portmantle he answered No Excepting himselfe

Taken the 27th Dec'r 1722. Before Jos Hammond J: Pacis

Vera Copia Exam'd Jos: Hammond J: Pacis

[7] York Ss. Dec'r 27th 1722

Whereas Mr. Sam'l Hodsden Constable of Berwick haveing by a Warrant from me the Subscriber one of his Maj'tys Justices of the Peace for sd County on Monday the 25th Instant Siez'd a Certain Bagg or pack of goods belonging to Wm More a Pedler or petty Chapman, And Comitted them to Jacob Redington of sd Berwick which sd

goods the Greater part of them Some time the Same day or Evening following were Stolen & Conveyed Away.

Upon Information & request of sd Constable on Tuesday the 26th Instant I Issued out a warrant to Serch for sd goods and Summoned Sundry Evidences before me, in Examining of whom I find Vehement Cause to Suspect that Daniel Stone & Sarah his wife & John Goodwin all of Berwick in the County aforesd were knowing of & Assisting in the Conveying away & Concealing sd Goods

Its Therefore Considered that the sd Daniel Stone and Sarah his wife And John Goodwin be Committed till they find Bail for their Appearance at the next Court of Gen'l Sessions of the peace to be holden at York for sd County on the first Tuesday in January Next, to be further Examined Touching the premisses And further proceeded Against According to Law

Jos Hammond

Vera Copia Exam'd Jos Hammond J. Pacis

[8. Hammond's copy of the recognizance and bail in the amount of one hundred pounds entered into by John Goodwin; Philip Hubbard and John Hubbard were sureties.]

[9. Hammond's copy of the recognizance and bail in the amount of one hundred pounds, entered into by Daniel Stone and Sarah his wife. John and Philip Hubbard are named again in the first paragraph as sureties.]

[10] York Ss George by the grace of God of Great Brittain France & Ireland, King,
[Seal] Defend'r of the faith &c

To the Sheriff or Marshall of our sd county of York his und'r Sheriff or Deputy, Greeting—

Whereas John Goodwin, Phillip Hubbord & John Hubbord all of Berwick in our county aforesd before Jo's Hammond Esquire one of our Justices on the 27th day of Dec'r in the Eighth year of our Reign did Enter into Recognizance in the Penall Sum of One hundred pounds currant money payable unto us our heirs & Successors, with Condition that the sd John Goodwin should personally appear before our Justices at our Court of Gen'l Sessions of the peace holden at York in our county of York upon the first Tuesday in Jannuary Last past & their to be Examined Touching the Stealing & convey[ing] away a certain parcell of goods. Yet not withstanding the sd John Goodwin did make Default & did not appear at sd Jannuary Court whereby his sd recogniscence is forfeited.

We therefore command You that you make known unto the sd John Goodwin, Phillip Hubbord & John Hubbord That they be before our Justices of our Court of Gen'l Sessions of the peace to be holden within & for our sd county of York upon the first Tuesday in april Next to Shew Cause if aney they have wherefore we ought not to have our Exicution or warrant of distress ags't them . . . for the forfeiture of sd Recogniscence & further to do & receive that w'ch our sd Court shall then Consider and have there then this writ with your doings therein, hereof fail not.

Witness John Wheelwright Esq'r at York the 19th day of Jannuary in the Eighth Year of our Reign Annoque Domini: 1721/22

Wm Pepperrell Cler

[Reverse:]

York Ss. February the 5th 1721-2

Pursuant to the within writ to [me] Direct

I have Notyfyed the persons within named [*illeg.*] to appear at Cort

by William Leighton Dep't Sherif]

Sarah Hasam of Berwick in our county afores'd appearing to an-

swer her presentm't for Fornication She appearing own'd the fact & say'th that Benj'a Hasam her now husb'd was the father of Sd Child. Its considered by the court that She recieve Seven strips upon her Nak'd back at the post & pay Fees of Court 12s or that She pay a fine to the King of 30s & Fees as afores'd & Stands Comitt'd.

Benj'a Hasam appearing to answer to his being Accused of being guilty of Fornication w'th his now wife Sarah Hasam he appearing Own'd the fact. Its considered by the court that he receive Seven Strips upon his nak'd back at the post & pay Fees of Court 6s Or that he pay a fine to the King of 30s & Fees as afores'd & Stands Comitt'd.

[7:44]

Nich'o. Cane of York in our Sd. county Appearing to answer his Presentment for being Drunk: & being thereof convicted. Its considered by the Court that he pay a fine to the Use of the poor of the Town of York of five Shillings & Fees of Court 7s & Stands comit'd.

Sam'l Littlefeild of Wells in our Sd. county appearing to answer his presentment for profaine Swearing & being thereof convicted Its consider'd by the court that he pay a fine to the Use of the poor of the Town of Wells of five Shillings & Fees of Court 7s. & Stands Comitt'd.

Peter Wittom appearing to answer his presentm't for cursing & being thereof convict'd, Its considered by the court that he pay a fine to the Use of the poor of the Town of Kittery of five Shillings & Fees of court 7s. & Stands convict'd.

Ordered that a warr't Issue out to the Sheriff or his Deputy to Aprehend & Secure Daniel Grant so that he be had at the Next Sessions to answer for his repeated contempt of Authority & for his former presentm'ts.

Paul Williams appearing to answer for his being Drunk & cursing in the time of the Seting of the Last Court, & being thereof convicted. Its considered by the court that he pay a fine to the Use of the poor of the Town of Kittery of 10s & Fees of Court 7s & Stands Comitt'd.

Persu't to an order of the Gen'l sessions of the peace for sd. county in Janu'a Last Judith Hamblton Appeared before Charls Frost Esq'r One of his Maj'tys Justices of the peace for sd. county & She being convict'd of the Act of Fornication her Sent'ce was vizt. that She receive Seven Strips upon her nak'd back at the post & pay Fees of Court: 5s. or that She pay a fine to the King of Thirty Shillings & Fees as afores'd & Stands comitt'd.

Paul Williams appearing to answer his presentm't for cursing & be-

ing thereof convict'd Its considered by the Court that he pay a fine to the Use of the poor of the Town of Kittery of five Shillings & Fees of Court 9s.

Whereas there was a warr't from this court Direct'd to Humphrey Dearing late constable of Arrundel for the apprehending & Secureing Abig'l Morgan the wife of Rich'd Morgan of Sd. Town of Arrundel so that She might have ben had at this court to answer to her Unseemly carage w'th James Campble the Sd. constable being Neglent [*sic.*] in his Duty & makeing no return of his sd. warr't. Order'd that a warr't Issue out to the Sheriff or his Deputy to apprehend the Sd. Humphry Dearing & the Sd. Abigal Morgan so that they may be had at the Next Sessions to answer to the Sd. Premises.

[Y.F. 1722, No. 4]

[York Ss To the Sheriff of the County of York his under Sheriff or Deputy Greeing
[Seal]

You are hereby required in his maj'tys Name to Apprehend Humphrey Dearing of Arrund'l in the county aforesd so that he may be had before his Maj'tys Justices of the Next Court of Gen'l Sessions of the peace to be holden for sd County of York on the first Tuesday of July next to Answer to Such Matters of Misdemeanour as on his Maj'tys behalf Shall be Objected ag'st him, he being the year Last past Constable of sd Arrund'l & haveing a warr't Directed to him to Apprehend Abigail the wife of Rich'd Morgen for Misdemeanours; which he has Neglect'd & not made a return of his sd warr't. You are Likewise required to Apprehend the sd Abigail Morgen so that She may be had at the aforesd Court to Answer to Such Matters of Misdeameanours as on his Maj'tys behalf shall be Object'd ag'st her relating to her unseemly carage to James Campble, and make Due return Under your hand According to Law.

Dated the 18th day of may in the Eighth Year of his Majstys Reign Annoque Domini:
1722

per Curiam Wm Pepperrell Cler

[Reverse:]

York Ss June 20th 1722

By vertue of this warrant I have Aprehended the persons of the within named Humphry Dearing & Abigel Moring [sic] and Have taken Security for their appearance to answer to the tenner of the within warrant

John Leighton Sheriff]

[7:45]

Joseph Willson of Kittery in our Said county being bound over to this court by Joseph Hamond Esq'r one of his maj'sties Justices of the peace for Sd county he haveing a gun found in his custity w'ch was Suspect'd to be Stol'n from Eliz'a Johnson as by the process & record, he appearing & desireing a long'r time untill the Next sessions that he may produce Sum Evid'ces that he Bo't Sd gun & desirs new bonds,

may be given for his Appear'ce accordingly Joseph Willson Principle & Elihue Parsons & Micum Mackentier Suretys: Acknowledge them Selfes to be hold'n & Stand firmly bound & Oblig'd to our Sovereign Lord the Kings Maj'ty in the penal Sum of ten pounds that the Sd. Joseph Willson Shall appear at the sd Sessions to answer as afores'd & Shall do & receive that w'ch by the Sd court Shall be then & there Enjoyed him & not to depart without Licence

Taken in Court as Att'st Wm. Pepperrell Cler

William Harmon of Wells in our Sd county being bound over to this Court by John Wheelwright Esq'r one of his maj'tys Justices of the peace for Sd. county Upon Suspition for comiting carnal Copulation with Mary the Daughter of David Littlefeild as by the process & record, he appearing, Its considered by the Court that his bonds be continued untill the Next sessions & that a warr't Issue out of the Clerks Office for the apprehending & Securing the Sd. Mary Littlefeild so that She may be had at the Next Sessions:

Memorand'm William Harmon Principle & Sam'l Harmon & Malachi Edwards Suretys Acknowledge them Selfes to be hold'n and Stand firmly bound & oblig'd to the Select'm of the Town of wells or the over Seers of the poor of Sd. Town in the penal Sum of fifty Pounds Curr't money that the Sd. William Harmon Shall appear at the sd Next sessions to answer as afores'd & Shall do & receive that w'ch by the sd court shall be then & there Enjoyed him & not to depart without License:

Lisence is grant'd to Javes [Jabez] Doreman to Sell Strong Drink for the Town of Arrundel untill the 29th day of June Next.

Licence is grant'd to Ebenezer Storer to retaile Strong Drink with out doors till the 29th of June Next.

[Y.F. 1722, No. 1]

[The Humble Pettition of Ebenezer Storer of York To the Honourable Justices of the Court is that they would Grant and give Liberty to him the said Eben'r Storer for the Retaleing of Strong Drink by the Gallon or Lesser Quantities as they Shall See fitt.

Eben'r Storer

York Aprill. 3d. 1722]

Abraham Preble Esq'r Chosen county Treasur'r & Sworn in Court.

Whereas Compl't made to this Court by Abraham Ayers a Deputy to John Leighton Esq'r Sheriff of this county that in the Execution of his Sd office sum time in march last he was threaten'd & Abused by

John Butler, Dadowick Macgound [*McGowen?*], Sam'l Rodgers, William Rodgers, George Hamblton, Colman Smith, Rob't Love & Rob't Poor; Thomas Newman Enters a compl't ag'st the aforesd men for their threat'n and abuseing the Sd. Deputy Sheriff & him the Sd. Newman in his presence as by the Information on file. Order'd that a warr't Issue out to the Sheriff or his Deputy to apprehend & Secure the aforementioned persons so that they may be had at the Next Sessions to answer to the premises & that the Said Ayers be Notified to attend, and that the Said Thomas Newman give bond for his appeareance at Sd. Court as on Evid'ce [7:46] And that John Penhallow Esq'r, Ed'm Tapen, Wm Cragg, Zach'a Trescut [*sic*], [Joseph]²⁹ Avery, Charles Mathous [*Matthews*] Adam Moss, Richard Daviss & Sam'l Pike be sumons'd to appear before Sd Court to Testifie to the Truth of what they know relating to the premises

Memor'dm: Thomas Newman Acknowledges Him Selfe to be hold'n & Stand firmly bound to our Sovereign Lord the Kings Maj'ty In the Penal sum of five pounds to be paid to him his heirs or Success'rs that if the Sd Thomas Newman Shall make Default in his Appeareance at the Next sessions to be held at York for Sd county there to give in his Evid'ce According to the Information he has given.

Whereas Joseph Hamond Esq'r Informs this Court on the Kings behalfe that on or about the 12th of march last, he being at the house of Cap't John Heards in Kittery being a publick house of Entertainment was by the Sd Heard threatn'd in his person & abus'd w'ch he presums was by reason of Sd. Heards drinking to Excess, Ordered that the Clerk Issue out a war't for the apprehending Sd Heard so that he appear at the Next Court of Gen'l sessions of the peace to answer what Shall be Objected against him on his Maj'tys behalf relating to the premises & that John Rogers, Thomas Hanscom & Benj'a March be sum'd as Witness's relating to the princip'l.

Thomas Pickerin being bound over to this Court by Abraham Preble Esq'r One of his Maj'tys Justices of the peace for Sd county by Complaint of Phebe Tanner for begeting her w'th Child as per the record & process, Its considered by the court that he be comitt'd untill he give baile to the Value of fifty pounds for his Appeareance at the Next sessions & to perform what Shall be by the Sd Court award'd ag'st him & not to depart w'thout Liberty from Sd Court.

Memorand'm Thomas Pickerin principle Thomas Phips Esq'r & Capt. Elisha Plaisted [*Esq'r erased.*] Suretys Acknowledge them Selfes to be hold'n & Stand firmly bound & Oblig'd Joyntly & Severally in the

²⁹ The Clerk left a space for Avery's given name, but never filled it.

penal Sum of fifty pounds unto the Select'm or overSeers of the poor of the Town of York, for his the Sd Thomas Pickerins appearance at the Sd Sessions & to abide the order of Sd court & not to depart without Licence

Phebe Tanner being bound over to this court by Abraham Preble Esq'r one of his Maj'tys Justices of the peace for Sd county as per the record, She appearing & Says that Thomas Pickerin is father of the child She now goeth with, Its considered by the Court she give baile to the Value of five pounds for her Appearance at the Next sessions. Memorand'm Phebe Tanner Principle & Francis Littlefeild Surety Acknowledge them Selfes to be holden & Stand firmly bound & obliged unto our Sovereign Lord the Kings Maj'ty in the penal Sum of five pounds to be paid to him or his heirs or Successors if the Sd Phebe Tanner shall not appear at the aforesd Court & there abide the Sentence of Sd Court & not to depart without Lisence.

[7:47]

Mary Duly appearing to Answer her presentm't for haveing a bast'd Child, She owning the fact, Its considered by the court that She receive Seven Strips on her nak'd back at the post & pay Fees of Court 10s, Or that She pay a fine to the King of thirty Shillings and Fees as afores'd. And Stands Comitt'd.

Thomas Harris of the Town of Scarborough in the county afores'd came into Court & Acknowledges him Selfe bound & Obligated in the penal Sum of fifty Pounds unto the Select'm or over Seers of the poor of Sd. Town: that the Sd child of Mary Duly Should be kept from aney Charge to Sd Town

Presentments made to this Court by the grand Inquest are as follow'th vizt

We Present the Town of York for fencing of up the county high way ag'st Cap't Knowels [*Nowell's*] & ag'st James Tompsons

We Present Daniel Fergison of Kittery for Swareing

We Present Hannah Eldreg, Jane Wormwood, & Bethiah Look of Wells for not attending the Publick worship of God.

DANIEL SIMPSON Foreman

ANNO REGNI REGIS GEORGII OCTAVO.

At a Court of Gen'l sessions of the peace holden at York for & within the county of York. July 3'd 1722:

Pres't John Wheelwright, Charles Frost, Abraham Preble,
Joseph Hammond & Joseph Hill Esq'rs

Grand Inquest are as followth: vizt

Imprimis		
Caleab Kimble Foreman	Nathen Rayns	Danil Furbish Jun'r
Sam'l Hatch	Sam'l Milbery	Thomas Hanscom
Moses Stephens	Danil Varnum	Francis Pittegrove
Sam'l Savery	John Mackentier	Jo's Weeks
Rich'd Nason	Richard Stimpson	

Ordered that the Sum of fifty Pounds be Assess'd on the Inhabitants of part of this county to be paid into the county Treasury by the first of January Next & the Treasurer is hereby Direct'd to Issue out his warrants to the Selectmen of the Several Towns accordingly vizt

Kittery	fiveteen pounds	12s6 - - - - -	15 "	12 "	6
York	thirteen pounds	15s - - - - -	13 "	15 "	-
Berwick	Eleven pounds	Seventeen Shillings & 6d - - -	11 "	17 "	6
Wells	Eight pounds	fiveteen Shillings - - - - -	8 "	15 "	-
			<hr/> £ 50 " — " —		

Ordered that twenty Shillings be paid out of the county Treasury to John Woodbridge for Service don to the County.

[7:48]

Licence is granted by this Court to the Severall persons following to be Taverners & retailers the year Ensueing for the Town of Kittery

Benj'a March, Nath'l Keen, Joseph Curttis, Paul Wentworth, Sarah Hix, widdow Staple, Roger Mitchel, & Robert Mitchel & W'm Pepperell to retaile.

for the Town of York. John Stover, John Woodbridge & Alce [sic] Donall

For the Town of Berwick, Jo's Abbit, & Mary Spencer

For the Town of Wells, John Wells

For the Town of Arrundell Javes [Jabez] Dorman

For the Town of Biddiford, Nath'l Tarebox; & Sam'l Jordan retailer

For the Town of Falmouth Richard Collar; & Sam'l Moodey Esq'r retailer

James Tompson & William Shaw appearing to answer their presentment for fencing up the high way w'ch goo's from york to Berwick a lett'l above the bridge call'd York bridge, it appearing to the Court that

the Said Tompson & Shaw did it Ignorantly, its considered by the Court that they be Acquited paying Fees of Court 14s. and that the Servayers of the Town of York take care that the way be lay'd open.

[Y.F. 1722, No. 5]

York Ss. To the Constable of York Greeting

You are hereby required in his maj'tys Name to apprehend William Shaw: & James Tompson both of y'r sd Town so that they may be had before his Majesties Justices at the next Court of Gen'l Sessions of the peace to be holden at York for sd County on the first Tuesday in July Next to Answer a presentment of the Grand Jury Exhibited ags't Each of them for fenceing up the high way which goos from York to Berwick a Little above the bridge call'd York Bridge. And make due return under your hand according to Law. Dated the 3 day of June in the 8th year of his Maj'tys reign Annoque Domini: 1722

Wm Pepperrell Cler

[Reverse.]

Acording to the within written warrant I have Summoned the within Named William Shaw and Jeams Thomson and taken bond for their appearence

York June the 27th: 1722

by me, Sam'll Clark Constable

[In a very clear script, apparently the hand of Ebenezer Coburn.]

[2] York Ss. May 9th 1722 Wee upon the Grand Inquest for the County of York Present Daniel Emery of Kittery in the County of York for fenceing up the High Way Between York & Berwick, & also Wm Shaw & James Tomson of York in the County aforesd. for fenceing up the same way before mentioned a little above the Bridge called York Bridge

Ebenezer Coburn Foreman]

Abigail Morgen appearing to answer her presentment for not Attending the Publick worship of god, it appearing to the Court She did attend as often as She could, Its considered by the Court She be aquitt'd paying Fees of Court 11s [? figure nearly illeg.]

Abigail Morgen appearing to answer to her being Accused of being found in bed with James Campble, it appearing She was found in bed with him,³⁰ Its considered by the Court that She receive twenty Stripes Severly Laid on, on her naked back at the post & pay Fees of Court: 18s6:; Upon Information giving [sic] to the Court that She is w'th Child, Its considered that Exicution be Suspend'd untill April Court Next, & that She give bale w'th Surety for her appeareance there. Richard Morgen & Richard Smith both Joyntly & Sev:ly Acknowledge them Selfes bound & Oblig'd to our Sovereign Lord the Kings Maj'ty in the penal Sum of fifty Pounds to be paid to him or his heirs or Seccessors if the Sd Abigail Morgen Shall not appear at the afores'd

³⁰ *Supra*, 58.

Court & there abide the Sentence of Said Court & not to depart without Liscence.

Humphary Dearing appearing to answer for his Neglect in not making return of a warr't w'ch was direct'd to him he being Constable of the Town of Arrundel; Its considered by the Court he be Admoneshed & pay Fees of Court 15s. & Stands comitt'd.

Ordered that a New process goo out for the apprehending Mary Littlefeild Daught'r of David Littlefeild.

[7:49]

Whereas Hannah Eldridge, Bethiah Look, and Jane Wormwood where [*sic*] presented for not attending the publick worship of god, & it appearing to the Court that they are not able to appear at Court, Ordered that it be heard & Determined before the Justices of the Town of Wells, at what time & place the Said Justices Shall appoint

Whereas Eliz'a Rose of Kittery was committ'd to the Goal at York for having a bastard Child & that whereas James Carr of york became bound to our Sovereign Lord the King in the penall Sum of forty pounds Curr'tt money of New England, that the Sd Eliz'a Rose Should appear before the Justices of this Court to answer to what Should be Alleag'd ag'st her as per the recognizance Ordered that his recognizence be declared forfeited & that a writ of Scire Facias Issue out of the Clerks Office ag'st the Sd. Eliz'a Rose principle & James Carr Surety for their appeareance at Octob'r sessions Next to be holden at York to Shew Cause if any they have wherefore a warra't of distress ought not to goo forth ag'st them for the Sum aforesd to be Levied on their goods or Chattles, Lands or Tenem'ts for the Use of our Sovereign Lord the King forfeit'd for the Sd Eliz'a Rose making Default & not appearing.

The Selectmen of York appearing to answer a presentment ag'st Said Town for fencing up the countery high way ag'st Capt. Nowels & ag'st James Tompsons; they Alleaging that Sd way is Since cleared, are Acquitted, paying Fees of Court 11s.

Whereas William Tucker, Roberts Sanders, William Tucker Jun'r, Olliver Tucker John Ran [Rand], & Israel Beckman Tompson, being bound over to this Court by [*his*] Majesties Justices Pepperrell & Hammonds upon Suspition of taken away brandy & wine out of a wharehouse; w'ch brandy & wine did belong to Sam'l Frost as per the process & Information, & the said Sam'l Frost being bound by Sd Justices to

proscicute his Sd Information or Comp't, all partys appearing; and the above partys being Examin'd & nothing appearing Sufficient to convict them, Its considered by the Court that the Sd. Tucker, Sanders, Tucker, Jun'r, Tucker, Ran & Tompson pay Fees of Court: 34s 6: Each & be Acquited.

Capt. John Heard appearing to answer to the Information given by Joseph Hamond Esq'r on the Kings behalf as per the Information, Its considered by the Court that he pay a fine to the King of ten Shillings & Fees of Court: 20s6. & give bond with Sufficient Suretys for his good behavior Untell the Next Sessions; the Sd John Heard appeals from the above Sentence to the Next Court of Assize & Gener'l Goal Delivery to be holden at York for Said County.

Memorand'm The Sd John Heard principle, Thomas Hains & Joseph Willson Suretys Acknowledge them Selfes to be holden and Stand firmly bound & Oblig'd Joyntly & Severally in the penall sum of ten pounds to be paid to our soveraign Lord the King his heirs or Seccessors if the Said John Heard shall make Default in the Proscicuteing [7:50] his Said appeal with Effect.

Taken in Court as Attest WM PEPPERRELL Cler

Memorand'm: Capt. John Heard principle, Thomas Hains & Jo's Willson Suretys Acknowledge them Selfes to be holden & Stand firmly bound & Obliged Joyntly & Severally in the penall sum of ten pounds to be paid to our Soveraign Lord the King his heirs or successors if the Sd John Heard Shall not be of good behavior tow'ds his majesty & all his Liege People Untill the Next Court of Assize & Gener'l Goal Delivery to be holden at York for Sd. county.³¹ Taken in Court as Attest.

WM. PEPPERRELL Cler

[Y.F. 1722, No. 4]

[1] [*Warrant*]

[*Seal*] To the Sheriff of the County of York his Under Sheriff or Deputy. Greeing

You are hereby required in his Maj'tys Name to Apprehend Daniel Grant of Barwick in sd County so that he may be had before his Maj'tys Justices of the Next Court of Gen'l Sessions of the peace to be holden at York for sd county of York on the first Tuesday of July Next to Answer to a presentment of the Grand Jury Exhibit'd ag'st him for not Attending the Publeck worship of god, As Like wise for his repeated contempt of Authority

You are aLike required to Apprehend Cap't. John Heard of Kittery in the County aforesd so that he may be had at the aforesd Court: to Answer to such Matters of Misdemeanour as on his Maj'tys behalf shall be objected ag'st him for that whereas the sd Heard on or about the 12th day of March last past did threaten & Abuse Joseph

³¹ No record of appeal found.

Hammond Esq'r in the sd Heards own house. And make due returne under your hand according to Law Dated the 18th day of May in the Eighth Year of his Maj'tys Reign Annoque Domini: 1722

per curiam Wm Pepperrell Cler

You are also to Summons John Rogers, Tho's Hanscom & Benja March to appear at the same time & give Evidence relateing to the above premis's of Capt John Heard.

per Curiam Wm Pepperrell Cler

[Reverse:]

Yorks Ss July 2d 1722

by vertue of the within warrant to me directed I have made Enquierey for the within named Daniel Grant & could not find him. I have caus'd Capt'n John Heard to appear at Court

John Leighton Sheriff

I have also Sumoned all the Evidences within named

J L Sheriff

[2] John Rogers of full age Testifieth and Saith that on the 12th day of March Last he hapening to be at Captn John Heards house in Kittery that he Came in Company w'th sd Heard from Berwick and at sd Heards he Saw Major Hammond, Mr. Bartlett and Sundry others in Company. There hapned Some discourse between sd Hammond and Heard by the fire side after which he saw them by the window & heard Captn Heard Say to Major Hammond that he heard sd Hammond should say he [*Heard, presumably*] could not tell how many pence was in forty shillings or Some thing to that purpose. Sd Hammond Replied that he beleved he had said that he Could not do it according to Rule. Heard Replied that he could tell that Said Hammond was a Son of a whore and that he could prove it.³² He heard sd Heard Say he had a good mind to Strike Said Hammond Sevaral times, that it was no more to Strike him than another man and that he Could but pay for it. Sd Heard Call'd sd Hammond Son of a Whore Sevarall times. Sd Hammond told Capt'n Heard that his [i.e., *Heard's*] house was a publick House and that he was There upon business and had been very much abused, also told him that he was Obliged to Keep good order in his house but was very abusive or words to that purpos. Mrs. Heard and Mr Bartlett were very urgent with Captn Heard to forbear but he turned from them and said he had done nothing amiss and what he had Said was true. Sd Hammond told sd Heard he was a base Rascally fellow and Commanded me the Deponant to Secure sd Heard and ask'd for Sum paper but Could git none after which sd Hammond Came away from thence and I the Deponant Came with him and further Saith Not

[*Not signed.*]

York Ss July 3d 1722. Sworn in Court Attest

Wm Pepperrell Cler

[3] Benjamin March of full age Testifieth & Saith that on the 12th day of March Last he happning at Capt John Heards house in Kittery, that I the sd Benjamin March Came with s'd Heard from Berwick, and at sd Herds I saw Maj'r Hammond, Mr Bartlet & Sundry others in Company. There happned some discourse between said Hammond &

³² The good names of three important families were involved in the charge, but there was some substance to it, even if the epithet used seems too strong. Hammond's mother was Catherine, daughter of Nicholas Frost; the Charles Frost on this court was her nephew. Her first husband had been William Leighton; the Sheriff, John Leighton, was her son. At a County Court held 5 July 1670, she and Joseph Hammond, father of the justice here, were presented for fornication. She paid ten pounds, and he, five. The child was Mercy Hammond, born in that year. (*Prov. and Court Records*, II, 196; *Gen. Dict. Me. & N.H.*, 247, 304, 427, 428.)

Heard by the fire side after which he saw them by the Window, and heard Capt Heard say to Major Hammond, that he heard sd Hammond should say he could not tell how many pence was in fourty shillings or Something to that purpose. Sd Hammond replied that he believed he had said that he could not do it according to Rule. Heard replied he was a son of a Whore and that he could prove it. He heard sd Heard Say if he came in again he would Strike him. Said Heard Cald sd Hammond Son of a hore Severall times. Said Hammond told Capten heard that his house was a poublick house & that he was there on Bisness & had been varey much abused, all So told him that he was obliged to keep good orders in his house but was verrey abusef or words to that purpos. Mrs. Hard [*Heard*] & Mr bartlot ware verrey urgent with Mr hard to for bare but he turned from them & Said he had don nothing a mis & what he had Said Was true. Said Hammond told sd heard he was a base Rascallie fellow & Commanded Mr John Rogers Constabell to secuer sd heard after which time the said hammond Came away from thence & I the Deponant Came with him & further Saith not

[*unsigned*]

York Ss. July 3d 1722 Sworn in Court Attest

Wm Pepperrell Cler]

Eliza Allen the wife of John Allen & Mary Morrell the wife of John Morrell being bound over to this Court by Joseph Hammond Esq'r one of his Maj'tys Justices of the peace for said County upon an Information or Comp't of Thomas Hanscom in behalfe of our Sovereign Lord the King for that they are Vehemently Suspect'd to have Sworn falsely as per the process & record appears; Its considered that the Said Eliz'a Allen & Mary Morrell be Committed till they get baile to the Vallue of fifty Pounds Each of them for their appeareance at the Next Court of Gen'l sessions of the peace to be holden at York for Said County on the first Tuesday of Octob'r Next to answer what Shall then & there be Objected against them on his maj'tys behalfe relateing to the premisses and also that the Said Thomas Hanscom give bond to the Value of ten pounds to appear at Said Court & proscicute his Sd. Information.

Memorand'm John Allen & Nich'o. Morrell Acknowledge them Selfes to be holden & Stand firmly bound & Obliged Joyntly & Severally in the penal Sum of fifty pounds to be paid to our Sovereign Lord the King his heirs or Successors if the Sd Eliz'a Allen & Mary Morrell or Either of them Shall not appeare at the afresaid Court & there abide the Sentence of Said Court & not to depart without Lisence.

Memorand'm Thomas Hanscom principle Nich'o Gowen & Daniel Green Suretys Acknowledge them Selfes to be holden & Stand firmly bound and Obliged Joyntly & Severally in the penall sum of ten pounds to be paid to our Sovereign Lord the King his heirs or Successors if the Sd Tho's Hanscom Shall make default in his appearance at the Next Court of Gen'l sessions of the peace as aforesaid & Proscicuteing his Sd. comp't or Information.

Joseph Willson being bound over to this Court upon Suspicion of haveing a gun, w^{ch} did belong to Eliz^a Johnson, no one appearing to Prosicute Its considered he pay Fees of Court 24s8d & be Acquitted

Ordered that the Process agst Daniel Grant be continued

Israel Beckman Tompson haveing Curst & Swore in the time of the Seetting of the Court, Its considered by the Court he pay a Fine to the Use of the Poor of the Town of York of 6s. & Fees of Court 5s & Stands Comit'd.

[7:51]

Thomas Pickerins bonds being continued to this Court by Complaint of Phebe Tannor for begeting her with Child, She not being delivered its considered by the Court he be comitted untill he give baile to the Value of fifty pounds for his appearance at the Next sessions and to perform what Shall be by the Sd Court awarded against him & not to depart without Liberty from Said Court.

Memorand^m Thomas Pickerin principle, Thomas Phips Esq^r and Capt. Elisha Plaisted Suretys, Acknowledge them Selfes to be holden & Stand firmly bound & Obliged Joyntly & Severally in the penall Sum of fifty pounds unto the Selectmen or Over Seers of the Poor of the Town of York for his the Said Thomas Pickerins appear^{ce} at the Sd. Next sessions & to abide the order of Said Court and not to depart without Lisence.

Phebe Tanner being bound over to this Court as per the recognisance, She appearing & continuing in her Accusation in Saying that Thomas Pickerin is the father of the Child She now gooth with, Its considered by the Court She give baile to the Value of five pounds for her appeareance at the Next sessions.

Memorand^m Phebe Tanner Principle, Jon^a Baine & Jerem^a Moulton Jun^r Suretys, Acknowledge them Selfes to be hold & Stand firmly bound & Obliged unto our Sovereign Lord the Kings majs^{ty} in the penall Sum of five pounds to be paid to him or [*his*] heirs or Successors if the Sd Phebe Tanner Shall not appeare at the aforesaid Court and there abide the Sentence of Sd Court & not to depart without Lisence

William Harmon being bound over to this Court upon Suspicion of comiting Carn^l Copulation wth Mary the Daughter of David Littlefeild and this Court being Informed that the Said Mary Littlefeild is with Child, Its considered by the Court that he give baile for his appearance at the Next sessions to be for this county.

Memorand^m William Harmon Principle, Richard Smith & William Baile [*sic*] Suretys Acknowledge them Selfes to be holden & Stand

firmly bound & obliged Joyntly & Severally in the penall Sum of Fifty Pounds Curr'tt money unto the Selectmen or Over seers of the Poor of the Town of Wells for his the Sd William Harmons appearance at the Sd Next sessions & to abide the order of Said Court & not to depart without Lisence

Lucy Allen appearing to answer her presentment for having a bastard Child. She owning the fact, maketh Oath that Martin Jose is the Father of Sd. Child. Its considered by the Court that She receive Seven Stripes on her naked back at the post & pay Fees of Court 16s. or that She pay a fine to the King of forty Shillings & Fees as aforesaid & Stands comitt'd.

Ordered that the Selectmen of the Town of Kittery make a rate of Eighty Six pounds on the Inhabitants of the upper parrish of Kittery for this present year and that it be comitt'd to the constable of Said parrish to collect, And that the Selectmen take Effecttual care it be paid to the minest'r

[7:52]

Martyn Jose being bound over to this Court by Charles Frost Esq'r one of his maj'tys Justices of the peace for Said county for being the reputed Father of a bast'd child begotten on the body of Lucy Allen She continueing constant in Sd Accusation in Court face to face as also Mary King & Lydia Gowell who where w'th the Sd Lucy Allen in the time of her Trav;l maketh Oath that She was Examin'd at the Same time, & that She constantly Affirmed that Martyn Jose was the Father of Sd. Child, Its therefore considered by the Court that the Sd Martyn Jose pay to the Sd. Lucy Allen toward the mainainence of Said Child two Shillings & Six pence per week from the birth of Said Child dureing this Courts pleasure & pay Fees of Court twenty Nine Shillings & foure pence, & to Stand comitt'd untill he geett Suretys to perform the Same. the Said Martyn Jose appeals from the above Sentence to the Next Court of Assize & Gen'l Goal Delivery to be holden at York for sd County.

Memorand'm the Sd Martyn Jose principle Nicho Morrell & John Morrell Suretys Acknowledge them Selfes to be holden and Stand firmly bound & obliged Joyntly & Severally in the penall Sum of Sixty Pounds to be paid to our Sovereign Lord the King his heirs or Successors if the Sd. Martyn Jose shall make default in the Prosicuteing his Sd. appeal w'th Effect

Taken in Court as Attest

WM PEPPERRELL Cler

[Superior Court of Judicature, Court of Assize, etc. held at York 15 May 1723.
Sewall, C J., Dudley, Quincy, JJ.]

Jose v Allen

The Court Declare the sd Martin Jose to be the reputed Father of the said Bastard Child, and therefore Order him to pay to the sd Lucy Allen after the rate of Two Shillings and Six pence per week from the birth of the sd Child to this time, and per week weekly until the further Order of this Court. . . .

Records Sup. Ct. Jud., 1721-1725, fol. 124.]

[Y.F. 1722, No. 4]

York Ss To the Sheriff of the County of York his under Sheriff or Dep'ty or Constables
of the Town of Berwick in Said County or to any or either of them
[Seal] Greeting

Whereas Complaint is made to me the Subscriber one of his Majestys Justices of the Peace for said County by Robert Allen of Kittery in the County aforesd husband-man that his Daughter Lucey Allen Single woman was begotten with Child by Martin Jose of Dover in the Province of New:Hampshear Laborer and that his Said Daughter was Delivered of sd Child Some time in the Month [of] October Last, that She did Some time before her Delivery make Application to Charles Frost Esquire one of his Maj ts Justices of the Peace for Said County who Issued out a warrant for the Apprehending Said Martain Jose but he Absconded & was not to be found. The Charge of the Maintainance of Said Child is born by the Said Complainant [i.e., *Robert Allen*] to his Very great Damage as he Saith.

These are therefore to require you in his Maj'ts Name forthwith to Apprehend & Secure the Person of the Said Martain Jose and bring him before me or Some other of his Maj:ts Justices of the Peace for Said County to be Examined Touching the Premises And further Proceeded Against, As to Justice doth Appertain According to Law.

Hereof fail not at your perill

Given under my hand and Seal at Kittery this 27th day of Aprill in the Eighth year of his Maj'ts Reigne Annoque Domini 1722

Jos: Hammond

A True Copie Exam'd

per Charles Frost J Peace

[*In the hand of the Clerk, William Pepperrell.*]

The Defend't pleads not guilty

[*Reverse:*]

York Ss Aprill the 28th 1722

Pursuant to the within warrant to me Directed I have taken the body of the within named Martain Jose

by William Leighton
Dep'ty Sheriff

[2]

Anno Regni Regis Georgii Octavo

York Ss. Kittery Aprill 30th, 1722

Martain Jose of Dover in the Province of New Hampsheir Labourer being brought before me and being charged to have begotten a Barstard Child on the body of Lucey Allen of Kittery in the County of York Singlewoman, he the Said Jose on his Examination denyed the fact and inasmuch as the Said Child is like to be charged to the Town

of Kittery, It is therefore Considered that the said Jose be bound over to the Next Court of Generall Sessions of the Peace to be holden for the County of Yorke to be further Examined touching the fact and further to do and receive According to Law, and that the said Lucey Allen be fourthwith Apprehended in order for her being bound over to Said Court to be further Examined touching the premisses and also to do and receive According to Law

Charles Frost Justice Peace

A True Copie

Exam'd per Charles Frost J. Peace

[3.] [Copy of Jose's recognizance and bond, dated 30 April 1722, in the amount of fifty pounds. Sureties were Nicholas Morrell and John Furbush of Kittery, styled yeomen. Witnesses were William Leighton and Charles Frost, Jr.]

[4.] [*On the outer fold, in Joseph Hammond's hand:*]

Mistress King & Lydia Gowell

Depositions

to be given in at the Next

Sessions of the peace

[*The depositions:*]

Mistress Mary King being Sworn Saith that on the 16th day of September Last She was with Lucy Allen of Kittery Singlewoman when She was delivered of a Child and that She the Depona't did Examin the sd Lucy in the time of her Travel & Exreamity, who was the father of sd Child, And She Constantly Affirmed that Martyn Jose of Dover was the father thereof. She put the Question to her Severall times and charged her to be very Carefull to Speak the truth.

Taken upon Oath June 27th 1722: Before Jos Hammond J: Pac

York Ss July 3d 1722 Own'd in Court Attest Wm Pepperrell Cler

Lydia Gowell being Sworn Saith that She was present with Mistress Mary King at the time aforesd when Lucy Allen was Delivered of the abovesd Child And very well remembers the Examination as Above and the sd Lucys Constantly Affirming that Martyn Jose was the father of sd Child

Taken upon Oath June 27th: 1722 Before Joseph Hammond J: Pacis

Yorks Ss July 3d 1722 Own'd in Court Attest Wm Pepperrell Cler

Lodowick Macgoon & Sam'l Rodgers formerly resid'ts in George Town being brought before this Court for thretning & abuseing Abraham Ayers Deputy Sheriff to John Leighton Esq'r high Sheriff of Said County, and being thereof convict'd, Its considered by the Court that they pay a Fine of ten Shillings Each to the King and Fees of Court 27s 7d Each & to Stand comitt'd.

Thomas Newman Enters a Compl't ag'st Lodowick Macgoon & Sam'l Rodgers for threatening & abuseing of him as per the Comp'lt or Information & Evidence produced ag'st them, whereof they are convict. Its considered by the Court that they pay a Fine of twenty Shillings Each to the King & Fees of Court 27s 7d Each: and that they give bond with Suretys for their good behavior till the Next sessions.

Memorand'm Lodowick Macgoon & Sam'l Rodgers principles.

Nich'o Gorson & Withers Berry Suretys Acknowledge them Selfes to be holden & Stand firmly bound & obliged Joyntly & Severally in the penall sum of five pounds Each principle to be paid to our Sovereign Lord the King his heirs or Successors if the Said Lodowick Macgoon & Sam'l Rodgers or Either of them Shall not be of good behavior towards his maj'ty & all his Liege People untill the Next Court of Gen'l sessions of the peace to be holden at York for Said county

[Y.F. 1722, No. 4]

[1. *The story is first taken up by Abraham Ayers of Falmouth:*]

York Ss: To the Worshipful the Justices of his Majesties Court of Quarter Sessions now holden at York in the County of York aforesd this 2'd day of April 1722

The Complaint of Abraham Ayrs of Falmouth humbly Sheweth, that, On the tenth day March last past he being employed by Jno Leighton Esq'r High Sheriff of the County of York as his Deputy had Occasion to pass through the Town of George Town, and there was denyed entertainment by Jno Butler, In holder of that place, and also his life was endangered by [Lodowick]³³ Macgown at the Same time who then presented a firelock at him and cock't her Saying he wondred whether She would fire or no, and kept his sd peice cockit and presented ag'st your Complainant as he past along by sd Macgowen which gives reason to Suspect that he designed him some bodily harm

On Munday the 12th: of March Seven or eight men came armed down to Capt'a Penhallows house and as I have been informed by those that were Standers by [*inserted above line in darker ink:* & as Newmans wounds sufficiently demonstrate] did Violently Assault Thomas Newman and abuse him without any provocation, and Stab'd him in the head and in the left arm & [*he*] was in danger of being Murdred till rescued by one of the Selectmen and other Englishmen. The affray being thus ended, the aforesd Macgown being armed with a gun and Pistol furiously threatned your Complainant that he had as good beat out his brains ag'st some timber at which he then pointed at, as touch any man there, & that if the High Sheriff or all the Sheriffs in the County were there they should not touch any man, and further told your Complainant that he look't like a rogue

At the Same time Sam'll Rogers held up a large Walnut stick or Club, threatned your Complainant & bid him keep of[f] & not come within reach of his Stick

And Jno Butler went armed with a Pistol to the terror and affrighting of your Complainant [*added in dark ink:* which sd Pistol Butler told Esq'r Penhallow was for fear of Indians, but (*rest scratched out*)] and others [*illeg.*] as I am enformed, and two days after he passt through the Town with a drawn Sword and a Pistol and declared as I have been informed [*added:* & Indeed In mine and many other Judgm'ts by his former Action ag'st sd Newman] that he would kill Tho: Newman if he could & that then he should have a fair Tryal for his life

All which is contrary to the peace of our Sovereign Lord the King his Crown and dignity

Therefore your Complainant humbly prays that your Worships will please to convent [*sic*] the sd offenders before you and cause them to give Security for the preservation of the peace and further to deale with them as to your Worships Shall Seem Fit

Abraham Ayers

[*In the dark ink that was used to interline additions in the above:*] Witnesses to prove

³³ Left vacant by the writer.

the above Compl't, Namely John Penhallow, Esq'r, Edmund [illeg.] of Newberry Junior, Wm Craige of Georgetown, [-----] Avery a soldier in Capt Penhallows Company, Charles Matthews mate of Williams's sloop of Salem, Rob't Poor of George Town, Zachariah Trescot and Tho: Newman who declare that he is very well assured that all the above allegations can be substantially prov'd upon oth.

[2] Abraham Ayers declareth that in regard he is an Officer, & oblig'd to go unto George Town att all proper seasons, when thereto Lawfully required, Prays your Honours to Consider of these Allegations already Exhibited to your Honours that he may be Enabled to proceed in the Lawfull discharge of his Office, which at Present he can't Officiate at George Town without great [illeg.] of his life.

Abraham ayers Depty Sheriff

York April 5th 1722.

[3] To the Hon'ble his Majestys Justices of Quarter Sessions now holden at York in the County of York affore'sd this 6th day of April 1722

The Information of Tho: Newman of George Town in the County of York Tallow Chandler,

Humbly Sheweth That on Saturday March 10th 1721-2 he Arriv'd at George Town with Mr Abr. Ayres Dep'ty Sheriff & on the Monday following I was going thro' the Town in Company with Zach: Trescot, Leiut of sd Town & was overtaken by John Butler, [Lodowick] Mackgound, Sam'll Rodgers, Wm Rodgers, George Hamilton, Colum Smith, Rob't Love. And as wee pass'd along the Road, Mackgound & Sam'll Rodgers, Said that no Officer should dare to touch any man in that River, & as we pass'd over the Causey Near to Esqr: Penhallows Wharfe, Wm Rodgers who had a sword under his Arm, gave me many abusive Names Endeavoring to Strike a Quarrell with me which I carefully avoided untill wee got to the Wharf & then Wm Rodgers gave your Compl't two Blows with the hilt of his sword upon which one of his Company took away the sword & gave him a stick with which he struck me severall times, & I desired the persons present to take notice that I made no Resistance & at same time Rob't Poor the late Constable came to [us?] Saying kill him, kill him, kill him & as I Endeavor'd to get on Board Wms Sloop sd Wm Rodgers & his Accomplice John Butler Stept up to me & put his legs between mine fix't to thro' me between the Sloop & the Wharf, but as soon as I was on board sd sloop Wm Rodgers struck me Severall times with a stick (his Accomplice all this time Looking on) at Lenght [sic] I struck him with my fist & knock'd him down, & Imediatly, I was stabb'd in my Left arm & Assalt'd by sd Rodgers & Accomplices namely Butler, Mackgound, Sam'll Rodgers, Hamilton, Smith, Love who knock'd me down & stabb'd me in the head which Glancing upon my Skull ran about 2 Inches between my skull & the flesh, but I being Rescued by Leiut Trescot & some English men & got in to the sloops fore castle the mate protected me with [a] Blunderbuss not suffering any but English to Com where I was. And after wards I was Oblig'd to Lodge at Mr Denny for ab't ten or twelve days all my friends advising of me not to go home to my family & indeed I do verily believe that the Af-foresd Rodgers, Mackgound, Butler &c would have murder'd me [*About two lines lined out here.*] & Shall now be Oblig'd to Remove my family from George Town & do really believe that unless some proper & speedy Method be taken to suppress the af-foresd Butler, Rodgers, Mackgound &c no Officer can Officiate as Sheriff without great danger of his Life, & severall persons whose dep't was necessary to be taken before Esq Penhallow for this Court where [sic] afraid to appear upon any aco't wherein sd Butler, Poor &c where concern'd

[signed:] Tho: Newman

Memorandum Rob't Love afforementioned told Mr A Ayers that If Esqu Penhallow gave him a Crooked word he would Break his head as soon as any man.
Witness Abr Ayers, Edm'd Tapping of Newbury

The names of the other Persons who can prove my Information to your Honours are as follows, vizt. Zachariah Trescot, Luke Noyce, Avery a soldier in Cap't Penhallow's Company, Edmund Tapping Junior at Newbury, Adam Mack [Mock] & Rich Davis both of Georgetown & Sam'll Pike of George Town

[4] [*The complaint lodged with the justices at the July Court:*]

To the Hon'ble his Maj'sty's Justices of the Generall Sessions of the Peace holden at York in the County of York on the first Tuesday of July

The Compl't of Tho: Newman late of George Town in the County of York now an Inhabitant of Boston in the County of Suffolk in New England Tallow Chandler, in behalf of the King

Humbly Sheweth that on or about Monday March 12 1721-2 about nine or ten of the Clock in the Morning Lodovick Mac gowne, Sam'll Rodgers, Wm Rodgers, Column Smith, Rob't Poor, George Hamilton, Rob't Love, & John Butler all of George Town afforesd, Armed with sticks, a sword, a Gun & Pistols upon the Wharf of John Penhallow Esqu at George Town Afforesd & also on Board the sloop of Rob't Williams then lying at sd Wharf, did in a violent & Riotous Manner Assault the Compl't by stabbing of him on the head, & left arm also with a sword or swords with many other Greivous abuses at the same time carry'd on by the persons above named to the great danger of your Compl'ts life, & Contrary to the Peace of our sovereign Lord the King. Your Compl't therefore Humbly prays that the sd L. Mac gowne, S. Rodgers, Wm Rodgers, C. Smith, R. Poor, Geo Gamilton, R. Love & J. Butler may be apprehended that so they may be brought to Justice for such there Barbarous & Riotous action

[Signed:] Tho: Newman

July 3d 1722

York Ss 3d July 1722 Sworn in Court Attest Wm Pepperrell Cler

[5] [The warrant, issued *per curiam* by the Clerk, dated 18 May 1722. At the bottom:]

You are also to summon John Penhallow, Esq'r; Edm. Tapen Junior; William Cragg; Zach'a Trescot, Joseph Avery, Charles Marthous, Adam Mok, Richard Davis & Sam'l Pike to Appear at the Same time & give Evid'ce relateing to the above premises, & that you Notifye the sd Abraham Ayers to be present at the above sd. Court

Per Curiam Wm. Pepperrell Cler

[Reverse]

York Ss July 24: 1722

pursant to the within to me Directed I being on the Island of Gorge towne I Saw one of the men which was Shown to me to be one of the men which I was in pursue after & he Run & mad his a Skape frome me

by Nich'l Morroll D Shireff

[6] [A warrant to the sheriff of Suffolk County, for the apprehending of Lodowick McGoun and Samuel Rogers, "formerly resid'ts in George Town." This was dated 20 June, 1722. On the reverse appears the following return:]

Boston 27 June 1722

Suffolk Ss

By virtue of this his Maj'ties warant to me direct'd I attach'd the bodys of the within naimed Lodwick Macgoon & Samull Rodgers, and caried them before John Chandler Esq'r one of his Maj'ties Justices for sd County who caus'd them to recognise for their appearence at the time and place within mentioned, as may more fully appear by sd recogniz'es sent here with

Edward Winslow Sheriff

[Memorandum of the recognizances taken by John Chandler, Esq., J. P. for the

County of Suffolk. Bail was fifty pounds. Sureties were Richard Love, "merchant" and Jarvis Bethune, "trader." The memorandum was dated 27 June 1722]

[7] Tho: Newman of full age testyfyeth in behalf of the King that on Monday March the 12: 1721-2 ab't 8 or 9 in the Morning as he was going thro' the Town of George Town he was stopt by Sam'll Rodgers & Lodowick Mackgound, & severall others who Ask'd this dep't if the Sheriff had any warrant ag't any of them. I told them that I did not know of one; after which this Dep't heard sd Sam'll Rodgers & Mackgound say that no Officer should take any man in that River [*Last three lines crossed out.*]

Tho: Newman

York Ss. July 3'd 1722

Sworn in Court

Attest Wm Pepperrell Cler

[8] Luke Noyce of full Age Testifieth that on or about Monday March the 12th: 1721-2 about 9 or 10 a clock in the morning this Deponant was going on Board Mr. Williams Sloop then lying at the Wharf of John Penhallow Esquire at George Town in Company with my Master Thomas Newman & Leiut Trescutt & upon said Penhallows Causey (so called) was over taken by Lodowick Macgone, Samuell Rodgers, Wm Rodgers, John Butler, Column Smith, Robert Love, And as they went along William Rodgers turned twice upon sd Newman & lift up his Sword as if he would Stick sd Newman, but he did not untill they got upon the Wharfe & Newman was going on board the Sloop, at which time without any provocation given on sd Newmans part as this Deponant could discover The said William Rodgers gave sd Newman two blows with the hilt of his sord at his head which he received with his hand or Arme, Calling out saying take Notice I dont strike him, at which time samell Rogers Spoke to said Newman & pulled him by the sleave to go with him, which sd Newman refusing, and endeavoured to get from them on board the sloop, And as said Newman turn'd his back to Samuell Rodgers, he held up his hand makeing a Sign to William Rodgers to strike said Newman again as this Deponant then thought, which was Immeadiately done, and the sd Wm Rodgers Struck said Newman Severall times with a large Knotted stick like a Crabb stick that was put into his hands by another that took his Sword, but whom that was this Deponant was not Certain, and as sd Newman stepped from of[f] the Wharfe on Board the sloop, John Butler who had a Large new stick in his hand stept up to sd Newman [and] Endeavour'd to Tripp up sd Newman, & throw him between the Sloop and the Wharfe, as this Deponant doth verily believe, the sd Wm Rodgers at same time following said Newman striking of him, with Macgoon, Sam'll Rodgers, Smith, Butler, Love hovering close about sd Newman, who after he had received Severall blows on the head &c on board the Sloop by Wm Rodgers, he struck sd Wm Rodgers but was Immediately down upon the Deck himselfe, and all those aforementioned Except Leiut Trescutt were upon him & Sam'll Rodgers this Deponant Saw have sd Newman by the hair & kicking of him on the head & face & Dragged him by the hair to get him over the Sloops Gunell, but was prevented by Mr Williams the Sloopman & his mate who with Leiut Trescutt & others having Resqued sd Newman got him into the sloops fore-castle When [where?] Rodgers & others would have followed him but was prevented By the mate who presented a Blunderbush [*sic*] at them threatning to kill them who should force themselves into the foreCastle after sd Newman, and as Leiut Trescutt Endeavour'd to resque sd Newman, Magowne struck at Trescutts head with the But end of his Gun, which being taken from him, he took a Pistoll from his side and struck at Trescutts head therewith who catcht the Pistoll with his hand, and then Macgown Clos'd with him and flung him over the Windlass, and being parted Macgown told him that none but a Rogue would help Newman, & Whilest Wm Rodgers was Assaulting sd

Newman upon the Wharfe Robt Poor the late Constable of George Town came runing up to them Saying aloud Kill him a Rouge Kill him

[Signed:] Luke Noys

York Ss: July 3'd 1722 Sworn in Court

Attest Wm Pepperrell Cler

[9 *A scrap of paper torn from another document, with the following on the reverse:*]

Tho: Nemans Travelling Charge as an Evidence ag'st W Rodgers & Macgoun in behalf of the King upon my own Compt,

from Boston to York 70 mile	0: 17. 6
To D'o Luke Noyce	0. 17. 6
& to two days Attendance Each	0. 8. 0
Tho: Newman D'o from Boston to [York] as an	
Evidence for the Sheriff	0. 17. 6
To two days Attendance	0. 4. 0
	<hr/> 3. 4. 6

[*This was carelessly done: no dates were given for what were, clearly, two trips by Newman from Boston to York. The sheet from which the scrap was torn also had to do with this case: "Rodgers" and "Macgown" are referred to: the words "call'd this dep't severall abusive names" also appear.*]

[*The next three papers are letters from Newman to Captain William Pepperrell, Jr., the Clerk. They were written a year after the hearing of the case in July, 1722, and speak for themselves. Whether the document above, no. 9, belongs with the earlier papers, here, or even later cannot be ascertained.*]

[10 *On the outside fold of a sealed letter:*]

For
Capt. Wm. Pepprill
Att
Kittery R 9d

[Inside:]

Boston July 8th 1723

Sir

These are to desire you forth with to send the same process as you Did to July Court 1722 ag'st Poor, Butler &c here being Poor & Hamilton now in town & If the Process comes by the Post I shall be able to take them before they Leave Boston, & as for Penhallow I design to let alone as Long as he can't be come at but no Longer which I hope (If we have peace) will be to October Court next, please to let me know by the letter you Inclos'd the Process in whether or not Mr. Gamblin has got the Executions ag'st [me? 'em?] & If he has not I beg of you to delay giving of them to him & In so doing

You will very Much
Oblige Sir, Yours
Tho: Newman

[11] [*Addressed, as was the letter above:*]

For
Capt Wm Pepperill
at Kittery R 9

[Inside:]

Boston July 22 1723

Sir

It's a fortnight since I wrote to you to send down a Process to our Sheriffe, ag't Poor,

Rodgers &c. here being two of them now in Town. I beg of you to send it by the Next Post otherwise It will be to Late for that they will be gone to George Town again

Sir,

Yours

Tho: Newman

[12] [*Addressed:*]

For

Capt Wm Pepperill
at Kittery

R 9d

[*Inside:*]

Boston July 29. 1723

Sir

This is the 3d Letter that I have sent to you requesting you to send the Process ag'st Poor, Hamilton, Rodgers &c & seeing the former Miscarr'd have now sent again desiring you by the Next post to send it to our Sheriff Capt Winslow for that here is two of the Persons now in & If I take them shall be at York in October next & then shall pay [that?] Execution & save the Charge of sending them here. I beg the favour of you to keep Mr. Gambling [*illeg.*] as Long as you can, for If you send the Process I can pay him at York

Sir, Yours

Tho: Neman

[13 *A year later Newman sent the following petition:*]

To the Hon'ble his Majestys Justices of the Genneral Sessions of the peace holden at York within & for the County of York the first Tuesday in July 1724

The Petition of Thos. Newman of Boston, Tallow Chandler

Humbly Sheweth

That whereas at the Court of Gennerall Sessions of the peace holden at York within & for the County of York on the first Tuesday in April 1722 the Hon'ble his Majestys Justices order'd a Process to be Issued ag't Rob't Poor, Wm. Rodgers & several others at George Town, & also ordered an Officer to go to George Town for to Apprehend the Persons afforesd whom the Officer tho' at great Charge & Trouble was not able to accomplish by reason of their getting into a Garrison when the Officer could not come at them, so that hitherto they have Escap'd Justice & there being four of the persons Compalined of now in Boston,

Your Petitioner therefore humbly prays your honours will be pleas'd to Order that the Former process may be revived to the sessions in October next that so the Offenders may be bro't to Justice & your Petitioner as in duty bound

Shall pray &c

Thos. Newman]

Presentments made by the Grand Inquest to this Court are as followeth, vizt.

We present Thomas Alldon of Berwick for profaine swareing & Cursing

We present Robert Hooper of Kittery for profaine swaring & cursing

We present Sarah Farfeild of Wells for Fornication

We present Patience Kingsbery the wife of Jo's Kingsbery of York for Fornication

We present the Town of York for want of a p'r of Stocks

CALEB KIMBLE Foreman

[The following item is filed with papers dating from this period, although there is no record of any action taken in the matter by the Court of General Sessions. As indicated in the text of, the document, the warrant was issued by William Pepperrell in his capacity as a single justice of the peace. It illustrates a familiar problem, and the measures which the law³⁴ provided for meeting it.]

[Y.F. 1721-1722, No. 6.]

[*On the outer fold:*] To Carry Joanna Shute
out of Town

[*Inside:*] To the Constable of Kittery, Greeting
York Ss

Whereas one Johanna Shute with her Child of New Castile in the Province of New Hampshire is Lately Come w'th her Child to Sojourn & Dweel in the town of Kittery aforesd & whereas the Selectmen of sd Kittery did give warning to sd Johanna Shute to Depart sd Town w'ch Compl't is made to me,

These are therefore in his maj'tys name to command you that you forthwith take needfull aid w'th you & to Convey the said Johanna Shute & her Child to the sd Town of New Castile where they belong, & out of the goods or Chattels or money of the sd Johanna Shute to Satisfie yourselfe for your Charge there about if any to be found in the Precinct.

Whereof you are not to fail at y'r Peril

Dated in Kittery the 22th day of Aug'st in the Eighth Year of his maj'tys Reign Annoque Domini 1722

Wm Pepperrell J: p'ce]

[7:53]

ANNO REGNI REGIS GEORGII NONO

At a Court of Gen'l Sessions of the peace holden at York for and within the county of York Octob'r 2d, 1722. Present John Wheelwright, Charles Frost, Abraham Preble, & Jo's Hammond, Esq'rs.

³⁴ 1692-93 Province Laws ch. 28, sec. 9. An Act for Regulating of Townships, Choice of Town Officers, and Setting Forth their Powers. 1 *Acts and Resolves* 67-68.

The Grand Inquest are as follow'th vizt

Caleab Kimble Foreman

Sam'l Hatch

Moses Stevens

Sam'l Savery

Rich'd Nason

Nathen Rayns

Sam'l Milbery

Daniel Varnum

John Mackentier

Daniel Furbish jun'r

Thomas Hanscom

Francis Pettegrove

Joseph Weeks

Whereas Mary Busey & Eliz'a Poland of Arrundell where present'd for not Attending the Publick worship of god, & it appearing to the Court that they are not Able to appear at Court considering the great Distence they Live, Ordered that it be heard & Determin'd before the Justices of the Town of Wells at what time & place they Shall Appoint

[1721-22, No. 2]

[Petition of Mary Busey (Bussey). The petition was written for her, although she signed her own name.]

[On the outer fold:]

To The Honourable Cort at York These [—]

[Inside:]

The Humble Petition of Mary Busey to the Honourable Cort

Whereas I was Sumonsed to appear at York Cort to answer to a presentment of the Grant jury for not atending the Publick Worship of God I do Humbly Enform you that the Reson Why I did not atend the Publick Worship of God Was not from any Disrespeckt thereunto But by Reson of Bodyly Ileness and a Considerable Distance from the Please [*sic*] of Publick Worship and the Excessive Badness of the way Being in the Winter Season which the Enhabat- [*illeg.*] Know the Same. and may it Please the Honourable Cort I Humbly Enform you the Reson Why I did not Come to Cort Was By Reson of Sickness and not able to Come and Gentlemen the Reson of my not Coming now to Cort is by Reson of the War and the Dangers of the Way as I hope your Honours Will Consider Which I humbly Beg your Favours

[signed:] Mary Busey]

Lisence is grant'd to John Stover to keep a house of Entertainm't untill July Next for the Town of Wells

Lisence is grant'd to Thomas Perkins of Arrundell to keep a house of Entertainm't till July Next

Lisence is grant'd to James Chadbourn to keep a Publick house of Entertainm't till July Next in the Town of Kittery

Lisence is grant'd to Cap't Elisha Plaisted of Berwick to retail Strong drink without Doors till July Next

Lisence is grant'd Ebenezer Storer of York to retail Strong Drink without Doors till July Next

Patience Kingsbery Now the wife of Joseph Kingsbery appearing

to answer her presentm't for Fornication, She owning the fact its considered by the Court that she receive Seven Strips on her nak'd back at the post and pay Fees of Court: 7s. or that She pay a fine to the King of thirty Shillings & Fees as afores'd & Stands comitt'd.

Ordered That Joseph Kingsbery be had at the Next Court to answer to the aforesaid premisses

John Furbish appearing to answer his presentm't for cursing & being thereof convicted. Its considered by the Court that he pay a fine to the Use of the poor of the Town of Kittery of five Shillings & Fees of Court: 9s & Stands comitt'd.

John Murphey being brought before this Court for Seelling of Strong drink by Small Quantitys without Lisence, & being thereof convict'd, Its considered by the Court that he pay a Fine of ten pounds & Fees of Court: 51s. The fine to be Dispos'd of vizt, one third to the poor of the Town of Arrundell, One third to the Commission'r, and the other third to Jabes Dorman the Inform'r.

[Y.F. 1722, No. 3]

[1] York Ss

To the Honourable The Justices of His Majestys Court of Gen'l Quarter Sessions of the peace for the Said County

The Information and Complaint of Jeremiah Moulton Comm'r of Excises for sd County In His Majestys behalf

Humbly Sheweth

That John Murphy on or ab't the 8th day of July last past at Arundel in The County aforesaid, did Sell unto Francis Bager [*sic*] one half pint of Rum, and did Then Receive mony for the same contrary To The form of the Statutes in Those cases made and provided³⁵

[*Reverse:*]

The sd. John Murphy pleads guilty

[2] [Warrant for the arrest of John Murphy, addressed to the Constable of the town of Arundel. Issued by John Wheelwright, J.P. 11 July 1722. At the close, below Wheelwright's signature: "Jabish Dorman Complainant."]

[3] The Deposition of Frances Beger of full Eage Saith that he being in the house of the Rev'd Mr. John Eveleth in Arondel upon the Eighth day of July 1722. Did then and there by of John Murphey half a point of Rum and paid him Money for it.

Francis Beger

³⁵ An Act for the Suppressing of Unlicensed Houses (etc.), 1692-3 Prov. Laws ch. 20, 1 *Acts & Resolves* 56-57; An Act Against Intemperance, Immorality and Prophane-ness (etc.), 1711-12 Prov. Laws ch. 6, 1 *Acts & Resolves* 679-682. An Act Granting . . . an Excise on Wines, Liquors and Other Strong Drink (etc.), 1715-16 Prov. Laws ch. 9, 2 *Acts & Resolves* 15-16.

Frances Beger appeared before me this 16th: day of July: 1722 and made oath to the truth above written, John Murphey being present.

John Wheelwright Justice peace

[4] The Deposition of Jonathan Oldes of full Eage Saith he being at the house of the Rev'd Mr John Eveleths in arondel on the 8th day of July 1722 along with Frances Beger did there se the Said frances Beger buy half a point [*sic*] of Rum of John Murphey and paid the said Murphey money for it.

Jonathan Olds

Jonathan Olds appeared before me this
16th day of July: 1722: and made oath
to the Truth above written. John Wheelwright

Justice Peace

John Murphey being present

[5] [Olds' and Berger's recognizance in five pounds.]

[6] [Murphy's recognizance, in £20. Sureties were James Marsh and Allason Brown.]

Capt. John Leighton Sheriff of the county of York Protest'd in Court against the county Goal as being Insufficient & Desired the Court to take order thereabouts,³⁶

The Selectmen of the Town of York appearing to answer Sd Towns presentm't for want of a pr. of Stocks, it appearing to the court that they have a p'r amaken, are Acquitt'd paying Fees of Court: 11s.

[7:54]

William Harmon being bound over to this Court upon Suspition of comitting Carn'l Copulation w'th Mary the Daughter of David Littlefeild, he being Exam'd & nothing appearing Sufficient to convict him, Its considered by the Court he pay Fees of Court [*illeg.*] and be Acquitt'd.

Mary Littlefeild appearing to answer to her having a bast'd child, She owning the fact, Its considered by the court that She receive Seven Strips on her Nak'd back at the post & pay Fees of Court: 10s: or that She pay a fine to the King of 30s. & Fees as aforesaid, & Stands comitt'd.

[Y. F. 1722, No. 2]

[1] York Ss

[*seal*] To the Constable of Wells Greeting

Whereas Complaint hath bin made to me by David Littlefield that William Harmon hath layn Carnaly in Copulation with his daughter Mary he having Confest the Same and it being reasonably suspected that she is with Child by the sd Harmon These are therefore in his Maj'tys Name to require you forthwith to apprehend the Person of the said William Harmon and him safely keep so that he may be had before me at

³⁶ *Supra*, Introduction, and 25, 27.

my dwelling house on Monday next at two of the clock in the afternoon then and theire to be examined Concerning the Premisses. And here of faile not at your Perill. Given under my hand this 24th: of February 1721-2

John Wheelwright
Justice Peace

[over] according to the for riten [*afore written*] warrant I have appraned [*sic*] the Said parson

Nathaniel Clark
Constab

[2] [William Harmon's bond. This is the original, signed and sealed by "William harmon" and his sureties, Samuel Harmon and John Look. The amount of bond, £50. Witnesses were Joseph Hill and John Storer. The document was drawn by John Wheelwright and is dated 26 February 1721-2.]

[3] [Bond of David Littlefield, and his daughter "Mary Littlefield, Junior" in the sum of ten pounds, for her appearance "before the Justices of the Court of Quarter Sessions" Mary Littlefield signed with her mark X, her name apparently being written in by her father, who managed a very badly written "David Lettelfield." Witnesses were "William Eaton" and Nathan Littlefield.]

[Y. F. 1722, No. 2]

[1] [*Unsigned statement of Mary Littlefield, no date, no identifying notation. Written by the same hand that penned the recognizance and bond*]

May it please Your honours what I can Say in the matter is as followeth. Sometime in October last past I waked in the night and found the Clothes pulled of from me and felt Somebody on the Bed (which by the Effect must be a man) and likewise felt him go of the Bed, & heard him go away and go up stairs, and go to Bed; & the Second Night after the person came again, and I waked as Before in the Night; and felt Somebody on the Bed again upon which I waked my Sister that lay with me who felt him likewise; and when he felt himself discovered he went of the Bed as Before, after which my Self and Sister got up and went to the door of the house, and Staid a Small while and then went to Bed again, after which we heard Somebody [*hole in paper*] Staires as before upon which my [*Brother who?*] Laid above Stairs felt William Harmon Coming into bed and asked him whether he had Been and Told him that he was as Cold as Ice. Said Harmon Answered he had Been out of doors, and my Mother awaking about the same time founds the doores Open, and In the morning asked who was up last Night and left the doores open. William Harmon answered he was and that he was not well this is the truth of what I know of the Matter. and I hope your honours will Judge Charitably of me though I have Been unaccountably Ensnared by the Villany of him that dars't not Bring his Actions to the light

[*A series of scroll lines but
no signature*]

[2] The Deposition of John Wells Jun of full age testifieth and saith that some time last sumer in the year 1721 William Harmon gave him the said Wells a powder and told him that it would make the [*Gurles ?*] love him, or much to that purpose and further Saith not

[*Reverse side:*]

The within written John Wells appeared before me this 20th day of February 1721-2 and made oath to the truth therin expressed of, William Harmon being present

John Wheelwright Justice Peace

[3] The Desposition of Benjamin Taylor of full age testifieth & Saith that Some time in the year 1721 he heard William Harmon Say that he had Carnal Copulation with Mary Littlefield in the Linthey and Said that he was affraid that he had got her with child and I ask him if she wast asleep and he said she was and knew nothing [of, *erased*] about it and further Saith not

[*In a different hand:*]

York Ss

Benjamin Taylor appeared before me this 19th day of May 1722 and made oath to the truth above written (William Harmon having bin notified to be present)

John Wheelwright Justice Peace

[4] The Deposition off Joseph Taylour, William Sawyer and Magdalen Mason, of full age testifieth and saith that they heard William Harmon say to Mary Littlefield when she desired him to Claim her or Condemn her, that he was sorry for what he had done; with that the Said Mason asked him whether ever he approached the said Marys Bed-room when she was a Bed and asleep and he said yes he had; then she asked him whether ever he had Carnal Copulation with her, and he said yes he had, then Said Mason Said, what and she not know of it, and he said yes he believed she never knew anything of it, and she asked him how he knew and he said he had reason to believe so and Said Joseph Taylour and William Sawyer attest to all above Written and further said not

[*In a different hand:*]

Joseph Taylor, William Taylar & Magdalon Mason appeared before me this 26th day of February 1721-2 and made oath to the truth above written.

John Wheelwright Justice Peace

William Harmon being present]

Eliz'a Allen the wife of John Allen & Mary Morall the wife of John Morall [*their*] bonds being continued from the last Court to this Court for that they are Vehemently Suspect'd to have Sworn falsly as per the process & record appears. Its considered by the Court that their bonds be continued till the Next Court of Gen'l Sessions of the peace to be holden at york for Sd county on the first Tuesday of January to answer what Shall then & there be Object'd against them on his maj'tys behalfe relating to the premises.

Memorand'm Nich'o Morall & Josiah Winn Acknowledge them Selfes to be holden & Stand firmly bound & Oblig'd Joyntly & Severally in the penall sum of fifty pounds to be paid to our Sovereign Lord the King his heirs or Successors if the Sd. Eliz'a Allen & Mary Morall or Either of them Shall not appear at the aforesd Court & there abide the Sentences of Sd. Court & not to Depart without Lisence.

Thomas Pickerins bonds being continu'd to this Court for being the reput'd Father of a bast'd Child begotten on the body of Phebe Tanner She continuing constant in Sd. Accusation in Court face to face as also Several Evid'ces who where with the Sd. Phebe Tanner in the time of

her Travall maketh Oath that She was Exam'd at the Same time & did then declare that Thomas Pickerin was the father of Sd. Child. Its therefore considered by the Court that the Sd. Thomas Pickerin pay to the Sd. Phebe Tanner towards the maintenance of Sd. child two Shillings & Six pence per week from the birth of Sd. child dureing the Courts pleasure and pay Fees of Court: thirty three Shillings & ten pence and to Stand comitt'd untill he geett Suretys to perform the Same. The Sd. Thomas Pickerin appeals from the above Sentence to the Next Court of Assize & gen'l goal Delivery to be holden at york for sd. county.

Memorand'm The Sd. Thomas Pickerin Principle, Thomas Phips Esq'r & Capt. Elisha Plaisted Suretys Acknowledge them Selfes to be holden & Stand firmly bound & Oblig'd Joyntly & Severally in the penall Sum of Sixty pounds to be paid to the Selectmen or Over Seers of the poor of the Town of York if the Sd. Thomas Pickerin Shall make Default in the prosecuting his Sd. appeal w'th Effect.³⁷

Taken in Court as Att'st

WM PEPPERRELL Clerk.

Phebe Taners bonds being continu'd to this Court, & being now delivered of a bastard Child She owning the fact maketh Oath that Tho's Pickerin is the father of Sd child. Its considered by the Court that She receive Seven Strips on her nak'd back at the post & pay Fees of Court Eleven Shillings or that She pay a fine to the King of thirty Shillings & Fees as aforesaid & Stands comit'd.

[Y. F. 1722, No. 3]

[A large folded sheet gives the following record of the case as kept by Abraham Preble, J.P. The several processes and the justice's record are not numbered separately in the original, but have been numbered here.]

[1] York Ss To the Sheriffe of the County of York his under Sheriffe or deputy or Constable of the Town of York or either of them Greeting.

Whereas a Complaint hath been made to me the Subscriber this day of the date hereof that Pheebee Tanner of sd York accounted Single Woman is with Child by Thomas Pickerin of sd York the which if so is a breach of his Maj'tys Laws of this Province. This is therefore to require you or either of you in his Maj'tys name forth with to make diligent search for the sd Thomas Pickerin & to seize his body if he may be found within your precincts & bring him before me the subscriber or Sum other of his Maj'tys Justices or Justices of the peace within the aforesd County then & theire to Answer to such matters & things as shall be objected against him relateting to above sd premisses & to be proceeded against according to Law hereof fail not at your perrel given under my hand & Seal at york Febr'y: 7th: 1721-2

per Abraham Preble Just. peace

³⁷ He did not appeal. See *infra*, 128.

You are alike required to Summons the sd Phebee Tanner to appear to declare the truth of the above Complaint at the time and place of said Pickerins [———]³⁸ if he may be found

[2] York Ss February the 8th: 1721/2

Then Mr John Kingsberry deputy Sheriffe brought Thomas Pickerin and Phebee Tanner before me the Subscriber one of his Majesties Justices of the peace for the County of York above sd at my Dwelling house in sd York to Answer to above sd Complaint. Then sd Pickerin was Examined if he owned the fact set forth in the Complaint in the Warrant, who Answered he could not own it. Then I Examined the sd Phebee Tanner upon her oath (sd Pickerin being Present) in the following words,

Phebee, you are to give direct answers to such questions as shall be asked of you, be very carefull to speak the truth, you are now upon your oath.

Quest. Do you certainly know that you are with Child

Shee answered, I do know I am with Child

Shee was asked, do you know who is the Father of the Child you now go with.

Shee Answered. I do very well know.

Shee was asked, who is the Father of the Child you are now with Child with:

And Shee answered (Looking the sd Pickerin in the face) This man, Mr. Thomas Pickerin is the Father of the Child I go with.

Then sd Pickerin was asked if he desired said Phebee should be asked any other questions upon Oath

He answer'd, no.

[Below this passage is entered in the hand of William Pepperrell, Jr., the Clerk of the Court of Sessions:

York Ss: October 2d. 1722. Phebe Tanner Own'd in Court all the above Evid'ce.

Attest, Wm. Pepperrell Cler]

It is considered the sd Phebee Tanner should enter into recognezance of five pounds to our Sovereigne Lord the King with security for her appearance at the next General Sessions of the peace to be holden in York for sd County of York the first Tewsday in Aprill next to own her oath as aforesaid, and to Answer to such matters & things as shall be objected against her on his majesties behalf.

It is also considered that the sd Thomas Pickerin give a Bond of fifty pounds with Sureties for his appearance at afore said Court of Generall Sessions of the peace. . . .

[Last page: copies of the obligations: Sureties for Thomas Pickering were Henry Doniell [Donnell] and Joseph Plaisted; for Phoebe Tanner, John Kingsbury and Joseph Young.]

[At the bottom of the last page:]

Copies of the originall Proceeding in the aforesd premisses Exam'd: by Me

Abram Preble

Jus: Peace]

Joseph Allen appearing to answer his presentm't for not Attending the Public worship of god & being thereof convict'd, Its considered by the Court that he pay a fine to the Use of the Town of Berwick of twenty Shillings & Fees of Court Nine Shillings & Stands comit'd.

³⁸ Blank in the original.

Ordered that the Selectmen of the Town of Kittery make a rate on the Inhabitants of the Lower parrish for the Sum of One hundred Pounds & that it be commit'd to the Constable of Sd parrish to collect & made payable to Henery Bartter for there present minesters Sallary this present Year, & that the Sd Bartter be Direct'd to pay it Accord-ingly.

[7:55]

Presentments made by the grand inquest to this Court are as follow'th vizt.

We Present Phebe Tanner of York for Fornication

We Present the Town of Kittery for Defect in high ways Espeshely two Bridges at Mrs. Curttis's

We Present Mr. Ebenezer Coburn of york for Seling drink by the complaint of Mr. John Woodbridge

We Present Elizabeth Shears now the wife of John Allen for Forni-cation

CALEB KIMBLE Foreman

ANNO REGNI REGIS GEORGII NONO:

At a Court of Gen'l Sessions of the peace holden at York for and within the County of York January 1st: 1722/3 Pres-ent Charl's Frost, Abraham Preble, & Joseph Hammond Esq'rs

The Grand Inquest are as follow'th vizt

Caleb Kimble Foreman
Sam'l Hatch
Moses Stevens
Sam'l Savery

Rich'd Nason
Nathen Rayns
Sam'l Milbery
Daniel Varnum
Francis Pittegrove

John Mackentier
Rich'd Stimpson
Daniel Furbish Jun'r
Thomas Hanscom
Joseph Weeks

Eliz'a Shears Now the wife of John Allen appearing to answer her presentment for Fornication & being thereof convict'd, Its considered by the Court that She receive Seven Strips on her nak'd back at the post & pay Fees of Court Seven Shillings, or that She pay a fine to the King of thirty Shillings & Fees as aforesaid, & Stands committ'd.

James Carr appearing to answer to his profaine Swareing & cursing at the time of the Seetting of the Court, he owning the fact, Its consid'd that he pay a fine to the Use of the poor of the Town of York of 10s and Fees of Court 8s. & Stands committ'd.

Ebenezer Cobourn appearing to answer to his Seelling of Strong

Drink by Small Quantitys without Lisence, no one appearing to Prosi-cute him, he is Acquitt'd paying Fees of Court: 7s.

Joseph Maine & Nathen Addams being bound over to this Court by Wm Pepperrell Esq'r one of his maj'tys Justices of the peace for Sd. county upon Suspition of Stealing of Apples from Charles Trafton as per the process and record, there not being Sufficient Evidences to convict them, Its considered by the Court that they pay Fees of Court: £3"16"6 & be Acquitt'd.

The Town of Kittery appearing by John Leighton Esq'r & John Adams two of the Select'm thereof to answer their presentmt for want of Sufficient high ways, they Alleaging that they had don their Duty and Chosen Serveayors as the law directs, Its therefore considered by the Court they be Acquit'd paying Fees of Court 8s:

Joseph Kingsbery appearing to answer to his being Accused of being guilty of the Act of Fornication w'th Patience his now wife, he Acknowledging the fact Its considered he receive Seven Strips on his nak'd back at the post & pay Fees of Court: 7s. or that he pay a fine to the King of 30s. & Fees as aforesaid & Stands committ'd.

[7:56]

Eliz'a Allen & Mary Moralls bonds being continu'd to this Court for that they are Vehemently Suspect to have Sworn falsly as per the process & Record appears; they appearing & desireing to be try'd by a Jury, the Grand Jury being Dismist, Its considered by the Court that their bonds be continu'd till the Next Court of gen'l Sessions of the peace to be holden at york for sd county in Apr'l & that the papers be then given to the grand Jury. Memmorand'm: Nich'o Morall & John Allen Acknowledge them Selfes to be holden & Stand firmly bound & Oblig'd Joyntly & Severally in the penall Sum of fifty Pounds to be paid to our Sovereign Lord the King, his heirs or Success'es if the Sd Eliz'a Allen Shall not appeare at the aforesaid Court & their abide the Sentence of Sd. Court & not to depart without Lisence. Memmorand'm Nich'o Morail & John Morrall Acknowledge them Selfes to be holden and Stand firmly bound & Oblig'd Joyntly & Seaverally in the penall sum of fifty Pounds to be paid to our Sovereign Lord the King his heirs or Success's if the [sd] Mary Morall Shall not appear at the above Sd Court & their abide the Sentence of Sd. Court & not to depart without Lisence

Jon'a Nason presenting a Pertition to this Court. Praying that his son might be discharg'd from John Kingsbery his now master for the

reasons Seett forth in Sd. Pertition, Ordered that the Sd Kingsbery be Served w'th a copy of Sd. Pertition to Shew reason if any he have wherefore the prayer of Sd. Pertition ought not to be granted; the Sd. John Kingsbery Sending to this Court desireing it might be continu'd till the Next Term, Its considered by the Court that his request be grant'd.

James Rankings being bound over to this Court by Abraham Preble Esq'r One of his maj'tys Justices of the peace for Sd county, for being the reput'd Father of a bast'd child begott'n on the body of Deborah Spencer as per the Process & record appearing. Its therefore considered by the Court that he pay to the Sd. Deborah Spencer 2s6d per week (from the birth of Sd. child during this Courts pleasure) towards the maintenance of Sd. child & that he pay Fees of Court 14s. and to Stand committ'd till he geett Sufficient Suretys to perform the Same—Except he Marry her.

Ordered that the process against Daniel Grant be continu'd.

Deborah Spencer appearing to answer to her having a bastard Child She Owing the fact, Its considered that She receive Seven Strips on her nak'd back at the post & pay Fees of Court 13s. or that She pay a fine to the King of thirty Shillings & Fees as aforesd. & Stands committ'd.

Presentm'ts made by the Grand inquest to this Court are as followeth vizt.

We Present Thomas Gooding of Berwick for profaine cursing & Swareing

We Present Deborah Spencer of york for having a bast'd Child.

CALEB KIMBLE Foreman

ANNO REGNI REGIS GEORGII NONO

At a Court of Gen'l sessions of the peace holden at York for & within the county of York; April 2'd 1723. Pres't John Wheelwright, Charl's Frost, Abraham Preble, Jo's Hammond & Jo's Hill Esq'rs

The Grand Inquest are as followeth vizt

Imprimis Caleb Kimble Foreman

Sam'l Hatch
Moses Stevens
Sam'l Savery
Rich'd Nason

Nathan Rayns
Sam'l Milbery
Daniel Varnum
John Mackentier
Rich'd Stimpson

Daniel Furbish Jun'r
Thomas Hanscom
Francis Petegrove
Jo's Weeks
John Watson

[7:57]

The grand inquest for the year Ensuing being Sworn are as followeth
vizt

John Sayword Foreman
Thomas Perkins
Henery Simson jun'r
Elihu Parsons
Sam'l Donnal

Noah Emery
Will'm Brooks
John Mogridge
Jo's Billing
Josiah Gudridge

Thomas Gooding
Sam'l Tredwell
Daniel Low
George Butland
Pemblton Fletcher

George Hammond being bound over to this Court by William Pepperrell Esq'r One of his maj'tys Justice of the peace for Sd. county for being the reput'd father of a bast'd child begotten on the body of Lydia Spinny She continuing in Sd. Accusation in Court face to face & maketh Oath that the Sd. George Hammond is the father of Sd. child, as also Evidences that were with the Sd. Lydia Spinney at the time of her travell maketh Oath that She was Exam'd at the Same time and did then declare that the Sd. George Hammond was the father of Sd. child. Its therefore considered by the court that the Sd. George Hammond pay to the Sd. Lydia Spinny towards the maintenance of Sd. child two Shillings and Six pence per week from the birth of Sd. child during this Courts pleasure and pay Fees of Court, and to Stand committ'd untill he geett Suretys to perform the Same. The Sd. George Hammond appeals from the above Sentence to the Next Court of Assize & Gener'l Goal Delivery to be holden at York for Sd. County.

Memorand'm The Sd. George Hammond principle, John Adams & William Leighton Suretys Acknowledge them Selfes to be hold'n & Stand firmly bound and Oblig'd Joyntly & Severally in the penall Sum of Sixty pounds to be paid to the Selectmen or Over Seers of the poor of the Town of Kittery if the Said George Hammond Shall make default in the proscicuting his Sd. appeal w'th Effect. Taken in Court as Attest

WM PEPPERRELL Cler:

[*No record of appeal found.*]

Lydia Spinny being bound over to this Court by Wm Pepperrell Esq'r one of his maj'tys Justices of the peace for Sd. county for having a bast'd child She owning the fact maketh Oath that George Hammond is the father of Sd. child. Its considered by the Court that She receive Seven Strips on her nak'd back at the post & pay Fees of Court: 11s. Or that She pay a fine to the King of thirty Shillings & Fees as aforesd., & Stands comitt'd.

[Y. F. 1723, No. 2.]

[This was no ordinary case. The accused man was the son of Major Joseph Hammond and related to the leading families of the county. Clearly some people suspected that an injustice was being done, and that "Doctor Jenkinson" had he lived might have added something to the story. But the doctor had been killed by Indians. Lydia in her travail accused George, and repeated the accusation under oath in court;³⁹ the justices accepted her story, rejecting the circumstantial and hearsay evidence linking her with the doctor. Lydia was alive in 1731, but may not have married and was perhaps dead when Samuel Tetherly was named guardian of her daughter, Dorcas Hammond, in 1735. George married Hannah Coburn of York in 1729.]⁴⁰

[1] York Ss. To the Sheriff of the sd County his under Sheriff or Deputy or to Either (Seale) the Constables of Kittery Greeting

Whereas Complant hath ben made unto me Charles Frost Esquire one of his Maj'tys Justices of the peace for the sd County by Lydia Spiney of sd Kittery Singlewoman that she hath been gotten with child by George Hammond of sd Town Husbandman and that She was delivered of the Same upon the twelfth day of Janary last past & that the sd Hammond Refuses to maintain the sd Child which is a Bastard; these are therefore to will & Require you in his Maj'tys name on [*illeg.*] hereof to Apprehend the afore sd Gorge Hammond & him to bring before me or Sum other of his Maj'tys Justices of the peace for the sd County to find Sureties for his Appearance at the next Gen'l Sessions of the peace to be holden for the County of York, and also for his good behavior toward his Maj'ty and all his Leige people. Thereof fail not, dated at Kittery the 28th of Febru'a 1722-3

Charles Frost

You are also further Requiered to give Notice to the above named Lydia Spinny of the time [and] place and before whom you shall bring the sd Gorge Hammond in Execution of the above warent

Charles Frost: Js pec

A True copy Exam'd

Wm Pepperrell Js pes

[*The above does not appear to be in Charles Frost's hand. The statement "A True Copy" etc. is in the hand of William Pepperrell, Jr. The signature at the end is definitely that of Col. William Pepperrell.*]

[2] Anno Regni Regis Georgii Nono
York Ss. March 2d 1722-3

George Hammond of Kittery in the sd County Husb' being brought before Wm Pepperrell Esq'r. one of his Maj'tys Justices of the peace for sd county & being Accused by Lydia Spiney of sd Kittery Singlewoman of begetting her with child of w'ch she was delivered on the 12th day of January Last, he denying the fact, Its considered that he give bond w'th Security for his appeareance at the Next Court of Gen'l Sessions of the peace to be holden at york for sd county on the first Tuesday of April Next to answer what shall be Objected ag't him relating to the premises & for his good behaviour in the mean time.

³⁹ Statute governing accusations of paternity was 1692-93 Province Laws ch. 18 (An Act for the Punishment of Criminal Offenders) sec. 5. The law required both accusation under oath in court and the statement made in the time of travail. 1 *Acts and Resolves* 52.

⁴⁰ *Gen. Dict. Me. & N.H.*, 304, 652.

[There follows the memorandum of the bond and recognizance. Joseph Hammond was surety, and principle and surety bound themselves in the sum of fifty pounds "unto the Selectmen or Overseers of the poor of the town of Kittery." The conditions were as usual. The record continues:]

Lydia Spinny being Exam'd & Askt wether She could make Oath that George Hammond was the father of sd child that was lately born of her body made no Answer the first nor second time She was Askt [reverse] But the third time she made answer & Sayd Yes.

Its also Considered that the sd Lydia Spinny give bond with Surety for her Appearance at sd Sessions to answer for her committing the Act of Fornication & what further may be Objected against her relating to the premisses.

[Memorandum of the bond and recognizance. Sureties were John Spinney and James Spinney. Amount of bond, ten pounds.]

A True Copy Exam'd

by Wm Pepperrell Js pes

[3] The Diposison of Mary Remich of full age Sayeth that She this Deponant Was at the travel of Lydia Spinney January the twelf and in the Extremity of her Travel Hor mother Mis Mary Burnam Examinoned Hor the said Lydia Spinney, who was the Father of hor Child. She Sayed Gorge Hammond was the father of it and again hor Mother asked hor if it was no other mans Child. She said no it is Gorge Hammonds and no mans else and Continued Constant in that Saying

York Ss April 2d 1723

Sworn in Court

Attest Wm Pepperrell Cler

[4] The Deposison of Abigal Scrigens of full age viz that on or about the twelf day of Jannuary Last past I was at the travel of Lydia Spiney of Kittery Single woman where also were present Mary Burnam, Mary Remich and others and when the afore said Lydia Spiney was in travel and at the utmost Extremity Mary Burnam who then with the assistance of the sd Mary Remich who acted the part of a midwife examoned her the sd Spiney, who was the father of her Child, she Answered Gorge Hammond was the father of it. After that the sd Burnam asked her again whether it was his. She Sayd it was his the sd. George Hammonds Child and no ones else

York Ss April 2d 1723

Sworn in Court

Attest Wm Pepperrell Cler

[5] John Tobey Being of full age Testifieth That I was at andrew Spineys house Sum time Last Spring and there I Saw George Hammond and Lidey Spiney In a Rome together and I askt him where [whether] he was going home and he said yes, presently and I Bid him good night and I went out and my horse was gone and I Could not find him, George Told me he found him the next morning In Andrew Spineys orchard and Rid him up as far as the Road against there House and Turn'd him away and George Toald me that there [his?] people did not Know what time a night he Came home and he toald me he Croald [crawled] in at the Hall window

York Ss April 2d 1723

Sworn in Court attest

Wm Pepperrell Cler

[6] Sarah Green of Full age Testifieth that she has often seen one Doctor Jenkinson so Called who Lived at Sam'l Teatherlys in Kittery the winter before this Last and in the

Spring Following that it was a Common report that he Courted Lidia Spinney. She has also heard him Say that he would have her if he could or to that purpose. She has often observed being a near Neighbour to Samuel Tobey that when the sd Lidia Spinney was there with her sister this Doctor Jenkinson often frequented said Tobey's house. She further deposeth that some time the Last Spring, to the best of her remembrance in April or May the said Jenkinson came to the Depon'ts house & desired her to go to said Tobey's and See if any body was at home which she did and knocked at the dore and was bid come in there being said Tobey's wife and her sister Lidia Spinney and in a few Minuets [*sic*] the sd Jenkinson came in. The said Lidia Spinney presently went into the Bedroom and the said Jenkinson went after her and Shut the Dore and they were both in the room together while she Stayed in the house. She has seen the sd Doctor Severall times afterward go to sd Tobey's when said Lidia has been there and saw him Carry her on horse back behind him. She further saith that She never heard any thing of George Hammonds being Concerned with her before she heard that Jenkinson was killed by the Indians after w^{ch} she heard she had laid a Child to George Hammond. Soon after, the sd George coming there on some business the Depon't asked him Concerning the Same who told her he was Innocent but was of opinion that if any man made a whore of a Woman she was good Enough to be his wife, but he was falsly accused and had rather maintain two Bastards then be Concerned with another mans whore and Seemed to be verry much Greived at the said report, not only for himselfe but for his father and Mother

York Ss: Kittery March the 28th 1723
 Sarah Green Made oath to this before
 giving diposition before me
 Abra Preble J: peace

Lydah Spinney being Legaly Notified to be present

[7] Daniel Green of full age Testifieth that he has seen Doct Jenkinson verry often go to Samuel Tobey's where Lidia Spinney used to be, with her sister; That it was Comonly Reported he went to Visit said Lidia Spinney, he further saith that he never heard any thing of George Hammonds being Concerned with Lidia Spinney before he heard that Jenkinson was killed by the Indians after which he heard she had Laid a Child to George Hammond. The Deponant further saith that he has often Charged said George wth being Guilty but he always Denied it very absolutely and said he would rather maintain two Bastards then be Concern'd with another mans whore, But at the same time said if he was Guilty and She was his whore he should think her good Enough to be his wife

York Ss March 28th 1723
 Daniel Green above named made Oath to
 the Truth of the Above deposition,
 Lydia Spiney being Notified to be present
 at the Same time
 Before: Abram Preble: J: Peace

[8] Stephen Field of full age Testifieth that it was Commonly reported among the Neighbourhood in the winter and Spring 1722 that one Doct'r Jenkinson who Lived at Samuel Teatherlys did go often to Samuel Tobey's who married the sister of Lidia Spinney that he has often seen him go up that way In the sd winter & Spring. The Depon't further saith that he never heard that George Hammond was Ever in Company with said Lidia Spinney or anything relating thereunto til after he heard said Jenkinson was killed by the Indians Some time after which he heard sd Lidia Spinney had Charged him with a Bastard Child

[over]

York Ss March 28th 1723

Stephen Field made oath to the truth of
the within Deposition, Lydia Spiney being
Notified to be present

Before Abram Preble Jus: peace

[9] Mary Field of full age Testifieth that in the winter and Spring 1722 it was Comonly reported that one Doct'r Jenkinson who then Lived at Samuel Teatherlys did Court Lidia Spinney Said Teatherlys wifes Sister, and that he went often after her to Samuel Toby's who married another sister. That she has often seen him go that way, that some time after it was reported sd Jenkinson was kil'ed by the Indians she heard said Lidia Spinney had Laid a Child to George Hammond; the first of her hearing of it was about the beginning of November Last. And further saith that She never before heard any thing Relating to the sd George Hammond & Lidia Spinney keeping Company or any thing Tending there unto

York Ss March the 28: 1723 Mary Field
made oath to the Truth of the above
deposition Lyda Spinney being notified
to be Present

Sworen before Abram: Preble Jus: Peace

[10] Richard King of full age Testifieth that he wrought in Samuel Teatherlys Ship yard at Sundry times from the fall of the year 1721 to the Latter End of June 1722 and Sundry times has been in Wm Teatherly & Samuel Teatherlys yards at Launching and other Publick times w'ch said Teatherlys are near neighbours and sons in law to Mistress Burnam. That he never at any time heard any discourse of or Saw George Hammond there Except at Launching a Vessell Last September after which about the Latter End of October or beginning of November he heard at Sturgeon Creek Lidia Spinney had laid a Child to George Hammond

York Ss March 28th: 1723

Rich'd King made Oath to the Truth of
the within Deposition, Lydia Spiney
being notified to be present

before Abram Preble

[11] Hannah King of Full age Testifieth and Saith that it was a Common report among the neighbourhood in the winter & spring: 1722 that one Doct'r Jenkinson was a Suiter to Lidia Spinney of Kittery that he said he would have her if he could; She further saith that She saw the sd Lidia Spinney go up towards Samuel Tobys and soon afterwards saw Doct'r Jenkinson go up after her; and the same day it being February or March the Deponant went by Sam'l Tobeys Dore and saw sd Jenkinson standing in the Dore of said Tobeys house. The Depon't further saith that she never heard any thing relating to George Hammond being Concern'd w'th sd Lidia Spinney til She Heard sd Lidia Spinney laid a Child to him w'ch was on the 10th of November last being the Satturday after thanksgiving. Job Hanscom told her George Hammond had a Child laid to his Charge

York Ss March 28 1723

Hannah King made Oath to the truth of the
within Deposition Lydia Spiney being
notified to be present

Before Abram: Preble Js: peace

[12] Moses Dennet Testifieth that some time in September last as near as he remembers

he was at a Launching of a Vessell at Wm Teatherlys. After Launching the sd Wm Teatherly walked with my Father and I as far as Thomas Fernalds and did recommend his wifes Sister to me for a wife and told me that she would make a Verry good wife or words to that purpose; Some time after-wards Samuel Teatherly likewise recommended her after the same manner or Somthing like it

Prov New Hampshire

March 27th 1723. Then Moses Dennit made Oath to the truth of what is above Written & Mr Alexander Dennit at the Same time made Oath to [the] truth of what is above relating to what Mr Wm Teatherly said at the time & place

Sworn before me

R Wibirde Ju. Pce]

Ordered that foure pounds three Shillings & Eight pence be paid out of the county treasury to Mr. Jo's Curttis his maj'tys Corroner for charge of an Inquisition—taken on the dead body of a man found on the Shoar in Kittery on the 23d day of Nov'r 1722.

[Y. F. 1723, No. 3]

To the Hon'ble his Maj'ts Justices of Generall Sessions The Peace Now Setting att York Aprill 2d 1723

Joseph Curtis of Kittery in the County of York Corroner herewith Presents your Honours with an Account of Disburstments in Takeing an Inquisesition [*sic*] on the body of a Certain Person who was found Dead on the See Shore in Kittery on the 23 day of November 1722 as allso for his Burryall he haveing no Estate

Which is as Followeth, Vid't.	£	s.	d
To the Corroners Feese	0:	16	8
To Fourteen Jury men att 2s	1:	8:	0
To the Constables Feese for Summonsing the Jury	0:	14:	0
To one man a day Feching the Corroner Charges of Burryall	0:	2:	0
To a gallon of Rum	0:	8:	0
To Diging the Grave	0:	5:	0
To Sider & other Nesserryes [<i>sic</i>]	0:	10:	0
	£	4:	3: 8

Your Accomptant Prays the Allowance of This Account & an order for the Money

Jos Curtis Corroner]

Whereas Abigail Morgan of Arrundel in our Sd. county, in July Court last did receive Sentence from Sd. Court to have twenty Strips Severly laid on her nak'd back at the post and pay Fees of Court; the Court then being inform'd that She was w'th child, It was consider'd that Exicution Should be then Suspend'd & that She Shoudd give bale for her appearance to this Court and that whereas Rich'd Morgan of Arrundel aforesaid & Rich'd Smith of Biddiford in our Sd. County of

York, became bound to our Sovereign Lord the King in the penall Sum of fifty pounds that the Sd. Abig'l Morgen Should appear before the Justices of this Court, and there receive the Sentence of Sd. Court. Order'd that their Recogniz'ce be declar'd forfeit'd & that a writ of Scire facias Issue out of the Clerks Offices ag'st the Sd. Abig'l Morgan principle & Rich Morgen & Rich'd Smith Suretys for their appearance at July Sessions next to be hold'n at york, to Shew Cause if any they have wherefore a warrant of distress ought not to goo forth ag'st them for the Sum afores'd to be Lev'd on their goods or Chatt'ls, lands & tenem't for the Use of our Sovereign lord the King forfeit'd for the Said Abig'l Morgen's making default & not appearing.

[7:58]

David Libby presenting his Pertition praying that he might be Excus'd from Serving Constable (he being Chosen for the Town of Kittery) for reasons Set forth in Sd. Pertition, Order'd that the prayer of Sd. Pertition be grant'd.

[Y. F. 1723, No. 2]

[Petition of David Libby, in the hand of Joseph Hammond.]

To the Hon'ble the Justices of the Court of Gen'l Sessions of the peace to be holden at York at the first Tuesday in April 1723. The Petition of David Libbey of Kittery in the County of York

Humbly Sheweth

That whereas your Petitioner on the 25th: of March Last was Chosen a Constable of this Town, And for as much as your Petitioner through Age and Infermity of body was not able to attend sd Meeting, Neither has he for a Considerable time been Capable of any Labour or buisiness but being Summoned before Charles Frost Esq'r to take the oath of a Constable Did refuse to take the said Oath, not in Contempt of Authority but well Knowing myselfe Inferm in body and not only so but Every way uncapeable to preform the Dutyes of that Office in my own person and being Summoned to appear before your Honours at this Court, and am not Able to preform a Journey so far being Scarce Able to go out of my house, My Near Neighbours Can Witness for me.

Your Petitioner therefore Humbly Prays that your Honours would take the premises into your Consideration, that he may be Excused for his non appearance and also from his Serving in the Office of Constable for the reasons aforesd And Your Petitioner as in duty bound Shall Ever pray &ca.

Kittery April 1st: 1723

David Libby]

Daniel Ferguson appearing to answer his presentmt for profaine Swaring Its considered by the Court that he pay a fine to the poor of the Town of Kittery of: 5s. and Fees of Court 10s. & Stands comitt'd.

Whereas James Carrs bonds has declar'd forfeit'd he being bound for the appearance of Eliz'a Rose, She not appearing & whereas there was a writ of Scire facias Issu'd out of the Clerks office for there appearance to Show cause if any they had wherefore a warr't of distress ought not to go forth ag'st them, he appearing and informing the Court that She might be apprehend'd ag'st the Next Court. Order'd that Exicution be Suspend'd untill the Next Court; and that there go out a warr'tt to apprehend the Sd. Eliz'a Rose for her Appear'ce in July Court there to answer to her presentm't for having a bast'd child as likewise for her contempt of Authority.

Thomas Pickerin, came into Court & declared that he would not prosecute his appeal from a judgm't w'ch he appeal'd from at the Court of Gen'l Sessions of the peace held in this Sd county in Octob'r Last but that he would Abide the order & Judgm't of Sd Court. Memorand'm Thomas Pickerin principle Tho's Phips, Elisha Plaisted Esq'rs Suretys Acknowledge them Selfes bound & Oblig'd Joyntly & Severally unto the Over seers of the poor of the Town of york in the penal Sum of Sixty pounds Curr't money of aforeSaid to be paid to them or their Success'rs. The Condition of this Recogniz'ce is Such that if the above bound'd Thomas Pickerin Shall Observe & comply w'th the above Sd. order of Court in paying of Phebe Tanner [*several words stricken*] two shillings & Six pence per week from birth of her child during the Courts pleasure, & pay Fees of Court Then This Recogniz'ce to be Void & of none effect, Otherwise to remaine in full force & Vertue.

Lisence is grant'd to Phillip Hubbart to keep a house of Entertainm't for the Town of Berwick Untill July Next.

Lisence is grant'd to Benj'a Welch of Kittery to keep a house of Entertainm't Untill July Next.

Abraham Preble Esq'r Chosen county Treasur'r & Sworn in Court.

Eliz'a Allen & Mary Moralls bonds being continu'd to this Court Upon suspicion of Perjury as per the process & record appearing. the papers being delivered [*to*] the Grand inquest, and nothing appearing Sufficient to convict them, Its consider'd by the Court that they pay Fees of Court £4''5''10*d* and be Acquit'd.⁴¹

Thomas Butler Jun'r of Berwick being bound over to this Court by Charles Frost Esq'r one of his maj'tys Justices of the peace for Said county & compl't of Eliz'a Gooding for begeting her with child as per the process & record,—Its consider'd by the Court that he be Com-

⁴¹ The charges stemmed from the accusation of Thomas Hanscom in July, 1722. See *supra*, 99.

mitt'd untill he give baile to the Value of fifty Pounds for his appearance at the Next Court of Gen'l Sessions of the peace to be holden at york for Sd. county & to perform what Shall be by the Sd. Court award'd ag'st him and not to depart without liberty from Sd. Court.

Memorand'm Tho's Butler Jun'r principle, Josiah Gudridge & Tho's Gooding Suretys Acknowledge them Selfes to be holden & Stand firmly bound & oblig'd unto our Sovereign lord the Kings Maj'ty in the penal Sum of fifty Pounds to be pd to him his heirs or Success'rs. The Condition of this Recogniz'ce is Such that if the Sd. Thomas Butler Shall appear at the aforesd Court & there Stand & abide the order of Sd. Court & not to depart without Lisence, then the above to be Void, otherwise to remaine in full force & Vertue.

[7:59]

Eliz'a Gooding being bound over to this Court by Charles Frost Esq'r one of his maj'tys Justices of the peace for Sd. county as per the record. She appearing and made Oath that Thomas Butler Jun'r is the father of the child she now gooeth with, Its considered by the Court that she give baile to the Value of five pounds for her appearance at the Next sessions.

Memorand'm Eliz'a Gooding principle James Frost & John Gooding Suretys Acknowledge them Selfes to be holden & Stand firmly bound & Oblig'd Unto our Sovereign Lord the Kings maj'ty in the penall sum of five Pounds to be paid to him his heirs or Success'rs. The Condition of this Recogniz'ce is Such that if the Sd. Eliz'a Gooding Shall personally appear at the aforesd Court and there abide the order of Sd. Court & not to depart without Lisence then the above recogniz'ce to be Void; otherwise to remaine in full force & Vertue.

[Y. F. 1723, No. 5]

[Proceedings were initiated on a complaint by Elizabeth Goodwin herself. She is styled "Singlewoman." Justice Frost's hearing of the charge was on 28 March, the day after Elizabeth's complaint was lodged. Of some interest is the record of the Court's examination of the woman; it is the fifth paper in the file on the case.]

Eliza Goodin being Exam'd on oath relating to Thomas Butlers begeting her w'th child w'ch She now goeth with made answers to the follo' viz.

Quest'n. Are You with Child & who is the father

Answ'r. Yes & by Thomas Butler

Q: how Long have you ben w'th child

A. about Six months as Neare as I can tell

Q: where was the place you was got w'th Child

A: in Salmon falls house

York Ss Taken in Court April 2nd 1723

[On 1 October the Clerk issued a summons per curiam for the Sarah Warren, Bridget Nason, "Matha" [*sic*] Hearl, Hannah Blashfull and Elizabeth Hearl to give evidence relating to Elizabeth Goodwin's examination in the time of her travail.]

Thomas Gooding appearing to answer his presentm't for profaine Swaring & cursing Its considered by the Court that he pay a fine to the poor of the Town of Berwick of Ten Shillings & Fees of Court: 7s. & Stands committ'd.

Thomas Hutchings being bound over to this Court by Charles Frost Esq'r one of his maj'tys Justices of the peace for Sd. county upon Suspicion of Stealing a Sow from Deliverance Gooding as per the process & record, it appearing to the Court that it was thro mistake that he took the Sow Its therefore considered that he pay Fees of Court 65s6 and be Acquit'd and that the constable be ordered to deliver the Sd. Sow to Sd Deliverance Gooding.

Presentments made by the Grand Inquest to this Court are as followeth vizt:

Eliz'a Brackit of York for Fornication

The Town of Kittery for want of a conveyant high way from Mr. Curtis's bridge to Maj'r Frost

Lydia Spinny of Kittery for Fornication

CALEB KIMBLE Foreman

Ordered that Seventeen pounds Eleven Shillings be paid out of the county Treasury to Cap't John Leighton being the ball'ce of his Sheriffs Acco't as per the perticul'es in the Acco't on file appears

ANNO REGNI REGIS GEORGII NONO

At a Court of Gen'l Sessions of the peace holden at York for & within the County of York. July 2'd 1723: Present Charl's Frost, Abraham Preble, Jo's Hammond & Jo's Hill Esq'rs

The Grand Inquest are as followeth vizt

John Sayword Foreman
Thomas Perkins
Henry Simpson Jun'r
Elihue Parsons
Pemblton Fletcher

Noah Emery
Wm Brooks
John Mogridge
Jo's Billing

Josiah Gudridge
Thomas Gooding
Sam'l Tredwell
George Butland

Ordered that the Sellectmen of the Town of Kittery make a rate on the Inhabitants of the Lower Parish for the Sum of one hundred pounds & that it be comitt'd to the constable of Sd parrish to collect and that

the Selectmen take Effectual care it be paid to their present minister of sd parrish for his sallary this present year.

Ordered that the Selectmen of the Town of Kittery make a rate on the Inhabitants of the upper Parrish for the Sum of Eighty Six pounds & that it be comitt'd to the constable of Sd parrish to collect and that the Select'm take Effectual care it be paid to their present minister of sd. parrish for his sallary this pres't year.

[7:60]

A Complaint being made by James Grant of Berwick that he is Over rated in the Sever'l taxes of the last year, Order'd that the constable of Said Town of Berwick forbare making any distress upon the Sd. Grant Untill the Next Court of Gen'l Session of the peace for Sd. county and the assess'rs be Notyfi'd to produce a list of their Several Assessm'ts at the Said Court.

Thomas Butlers bonds being continued to this Court by complaint of Eliz'a Gooding for begeting her with child. She not being delivered, Its considered by the Court he be comitt'd untill he give baile to the Value of fifty pounds for his appeareance at the Next Sessions & to perform what Shall be by the Sd. Court be award'd against him & not to depart without Liberty from sd Court.

Memorand'm Thomas Butler Jun'r principle Josiah Gudridge & Thomas Gooding Suretys Acknowledge them Selfes to be holden & Stand firmly bound & oblig'd unto Our Sovereign Lord the Kings maj'ty in the penal Sum of fifty pounds to be p'd to him his heirs or Success'rs. The Condition of this recogniz'ce is Such that the Sd Tho's Butler Shall appeare at the afores'd Court & there Stand & abide the ord'r of Sd Court & not to depart without Lisence, then the above to Void, otherwise to remaine in full force.

Nathan Bartlet, Rich'd Gowel Jun'r & John Dennett three of the Sselectmen of the Town of Kittery appearing to answer the Towns presentm't for want of a high way from Curtis's bridge to Maj'r Frost, There not appearing a Quorum of Justices to try the Same, by the removal of Charl's Frost & Jo's Hammond Esq'r, Its consider'd that it be continu'd untill the Next Sessions.

[Although the Clerk's record for this court is silent on the matter, it would seem that the following petition of the Keeper of His Majesty's Jail for the County of York was acted upon. Pearce Shortwell's problems were numerous from 1719 on; as noted in the petition below, Shortwell was committed "Some time in may 1721." As a pauper he

could neither meet his debts nor—what was worse for the jailer—provide for his “Keeping and Diating” while in prison.]

[Y. F. 1723, No. 5]

[1] York Ss

To the Hon’rable the Justices of his maj’ties Superiour Court of Judicature Sc now Setting at York for the County of York

The Complaint & Petition of Benjamin Stone of York afore’sd: Goal Keeper

Humbly Sheweth

That Yo’r: Petitioner received one Peirce Shortwell into his maj’ties Goal (he being taken in Execution) Some time in May 1721 where he the sd Shortwell continued till January following being Eight months & then taking the advantage which the Law⁴² gives Swore himself out of Goal yo’r: Petitioner never receiving any Satisfaction for Keeping and Diating the sd: Prisoner during the time aforesaid

Yo’r: Petitioner therefore humbly prays that Yo’r: Hon’rs: would find some way to redress his sd: Grievance & provide remedy in the Premmisses

Dated 14th [?] may 1723

Benj’a Stone

[Reverse:]

York Ss. In Sup’r Court at York

May 1723

The Consideration of this Petition is Recommended to the next Court of General Sessions of the Peace for the County of York, in order to provide some Releif for the Petit’r out of the County Treasury, or other wise as may be agreeable to Law

By Order of Court

Benj’a Rolfe Cler.

York Ss: July 2d. 1723: ordered that foure pounds ten shillings be pd out of the county treasury to Mr. Benj’a Stone prison keeper for the keeping of Pearce Shortwell a poor prisoner: 33 weeks & for prison Fees, he [*Shortwell*] having Sworn him Selfe out

Attest

Wm Pepperrell Cler

[2. *A record of the procedures undertaken by Shortwell in the summer of 1721, in order to procure his release from prison.*]

Yorks Ss: Whereas Complaint by way of Potision [*sic*] hath bin made to me the Subscriber by Pearce Shortwell a poor Prisoner detained (by Execution for sundrys due to Mr Sam’ll Dinny and Mr John Coolyer of George Town in Said County of York:) within said Goal of Said County Ever sence the Superior Court in May Last Past also seting forth in sd Potision that he is not worth ten Pounds Nither able to Pay Either of afore said Execution or Executions Prays the benefit of the Law to make oath of his Inability as the Law directs These are therefore To Mr Benj’a Stone und’r Sheriff and Keeper of his Maj’ts Goal in sd County of York to Command you on Sight to bring said Pearce Shortwell before me the subscriber Att your dwelling house to Reseave the benifiet of said oath as is in the Law directed &c: and so to Return Emediatly within

⁴² 1698 Province Laws ch. 11, An Act for the Relief and Release of Poor Prisoners for Debt. 1 *Acts and Resolves* 330-333.

said Goal againe as the Law directs fail not as you will answer the Contrary att the Perrill of the Law

Given under my hand and seal att York
August the 12th 1721

Abra'm: Preble Jus: pec

August the 12th 1721. In obediant to the above Warant to me directed I brought Pearce Shortwell Before the above sd Abra'm Preble Esq'r at my dwelling house in Said york and after he had taken the oath as above sd: Returned him into Goal a gaine

per me: Benj'a Stone under
Sheriff

made out unto the Said Cred'rs

per Abra'm Preble Justes Pe'c

[In Pepperrell's hand:]

a copy compar'd per the Origin'l & Compar'd per Me Abra'm. Preble J: peace to Mr Sam'l Denney

Compar'd per Wm Pepperrell Cler

[Upside down, at the bottom of the same page appears Preble's warrant to the constable of Georgetown. This is sealed, and it would seem that Preble used this copy of the process to carry the warrant, and also provide the people in Georgetown with a record. The constable's return is squeezed into a margin on the first page.]

York Ss. To The Constable of the Town of Georgestown *[sic]* in the County of *[Seal]* York These are To Command you in his Majestys Name to Sumans Samu'll: Dinney and John Coolyer of your sd town to make their Parsonal appearance before his Majestys Justices at our Court of Gene'rll Sessions of the Peace to be holden at York on the first Tuesday of aprill next within in & for said County of York then and there, they or Either of them to declair Reason if any they or Either of them have why Pearce Shortwell within named should not be Sett att Libberty from his Majestys Goale and fully discharged according to Law as the proceeding of the within precept have bin and you are to Read the within proceeding to Each of them and make due Return of your proceeding herein to My Selfe or unto the Cleark of Said Court within forty days from this datt. Fail not at the Perill of the law

Given under My hand and seale att York febu'r the 5th: 1721/2

Abra'm: Preble Jus. peace

[On the front page, in the top left margin, written on the long side of the sheet:]

George Town Feb'r 15th 1721-2

Pursuant to the within Summons I have Notified & Summon'd Sam'll Denny & Read the whole premisses to him. John Comillard being out of my precinct (Removed to the Westward)

James hall Constable

[3. The next paper is a copy of the preceding, except that it does not contain the summons directed to the Constable of Georgetown or his return. It was clearly sent down, and served, however, as the two endorsements on the reverse side show:]

George Town on Tuesday Sept 19 1721

This day the Subscriber here of James Hall delivered the (the) within written Notification to Mr Sam'll Denny of George Town

James hull *[sic]*

York Ss: George Town Sept: 19th: 1721.

Then Appeared Mr: Sam'l: Denny & made Oath that he did not recieve the within written notification before this day, & that it was Delivered him by James Hall as above

Cor': John Penhallow Jc: Ps:

[4.]

[*On the outer fold:*]

For Capt'n John
Leighton High
Sheriff of the County
of Yorke [*This?*]

[*Inside*]

Dec:br the 22:d 1721

Sr:

Thess with my humble respects in hopes they may find your honor in good health. Sr thess liness may asure you thatt I have been in disspossed of Latte. Sr I received your orders to be prosecuted att arowsick butt I wass not able to perform them as yett in as much as I wanted my health, I would have seen your honor att the Last Court had not thatt [i.e., *ill health*] hindred me. Sr I oferd to give twenty shillings as a fee for my passage thither [*above the line: to rowsick*] butt could not obtaine Sr I would have been att this next Court had not the impediment of my health hindred me Sr having noe more thatt now offers I rest your honors Servant to Comand

Benj'a: Larraby

[*Also among the papers is an attested copy of the entry of the Court of Sessions of 3 October 1721 relating to Samuel Denny.*]

Eliz'a Brackit appearing to answer her presentm't for Fornication She owning The fact, and making Oath that Barsham Allen is the father of Sd. child lately born of her body, Its considered by the Court that She receive Seven Strips on her nak'd back at the post & pay Fees of Court 7s, or that She pay a fine to the King of thirty Shillings & fees of Court as aforesd; and that She give a bond to the Value of ten pounds for her appeareance at the Next Court of Gen'l Sessions of the peace to be holden for Sd. county & that there goo out a process ag'st the Sd. Barsham Allen.

Memorand'm Sam'l Brackit & Andrew Grover Acknowledge them Selfes bound to our Sovereign Lord the Kings Maj'ty in the penal Sum of ten pounds to be paid to him his heirs or Success'rs. The Condition of this Recogniz'ce is Such that if the Sd Eliz'a Brackit Shall appeare at the above mention'd sessions & there to abide the order of Sd. Court & not to depart without Lisence then the above to be Void, otherwise to remaine in full force.

Ordered that the Sum of fifty pounds be assess'd on the Inhabitants of part of this county to be paid into the county Treasury by the first

of January Next & the Treasur'r is hereby direct'd to Issue out his warrants to the Sellectmen of the Sever'll Towns accordingly vizt

Kittery fiveteen pounds twelve Shillings & Six pence -	£ 15 " 12 " 6
York thirteen pounds fiveteen Shillings - - - - -	13 " 15 " -
Berwick Eleven pounds Seventeen Shillings & Sixpence	11 " 17 " 6
Wells—Eight pounds fiveteen Shillings - - - - -	8 " 15 " -
	<hr/> £ 50 " — " —

Presentments made by the Grand inquest to this court are as followeth vizt

We present the Town of York for not maintaining Sufficient Bridges & causways perticul'r on the North East side of cape nedeck river

JOHN SAYWORD Foreman

Lisence is granted by this Court to the Several persons following to be Taverners & Retailers the year Ensuing For the Town of Kittery: Paul Wentworth, Benj'a Welsh, Mary Staple, Benj'a March, James Chadbourn, Rob't Mitchel, Roger Mitchel, Jo's Curttis, Nath'l Cane, Sarah Hix; & William Pepperrell & Stephen Eastwick to retaile

[7:61]

For the Town of York: John Woodbridge, John Stover, & Al'ce Donnall, & Abraham Preble, Esq'r to retaile

For the Town of Berwick, Jo's Abbit, James Frost & the wid'w Hubbart

For the Town of Wells, John Stover & John Wells

For the Town of Arrundell Jabes Doreman, Thomas Perkins; & John Watson to retaile

For the Town of Biddiford, Nath'l Tarebox; & Sam'l Jording to retaile

For the Town of Falmouth, Rich'd Coller; & Sam'l Moody Esq'r to retaile

ANNO REGNI REGIS GEORGII DECIMO

At a Court of Gen'l Sessions of the peace holden at York for & within the county of York: Octob'r 1st, 1723: Present John Wheelwright, Charls Frost, Abraham Preble, Joseph Hammond & Joseph Hill Esq'rs

The Grand Inquest are as followeth vizt:

John Sayward Foreman
 Thomas Perkings
 Henry Simpson Jun'r
 Elihu Parsons
 Noah Emery

William Brook
 Sam'l Donnell
 John Mogridge
 Joseph Billing

Josiah Gudridge
 Thomas Gooding
 Sam'l Tredwell
 George Butland

Charl's Frost Esq'r, John Denet & Richard Gowell three of the Sselect'm. of the Town of Kittery appearing to answer the Towns presentm't for want of a Sufficient high way from Sturgeon Creek to Curttis's bridge they promissing to take a Effecttual care that the way Shall be mend'd, Its considered they be Acquit'd paying Fees of Court 12s.

Eliz'a Rose appearing to answer her presentm't for having a bast'd child as Likewise for her contempt of Authority, She owning the fact. Its considered by the Court that She receive fiveteen Strips on her nak'd back at the post Severely Lay'd on & pay Fees of Court 47s. & Stands committ'd.

Rob't Hooper appearing to answer his presentm't for profaine Swaring & cursing he owning the fact, Its considered by the Court that he pay a fine to the poor of the Town of York of ten Shillings & pay Fees of Court 9s. & Stands comitt'd.

Francis Smart appear'd in Court & was cleared of his bond for his good behavior per proclamation.

Lydia Furnald being bound over to this Court by William Pepperrell Esq'r one of his maj'tys Justices of the peace for Sd county for being with child with a bast'd child & Accusing of John Clark to be the father of Said child; Eb. More & Jon'a Dam her Suretys appearing & informing the Court She was not delivered nor able to com to Court & that they dessired there bonds to be continu'd, Its considered by the Court that their request be grant'd & that their bonds be continu'd untill January Court Next.

Eliz'a Brackit appear'd in Court and was declar'd cleare of her bonds by Proclamation

Ordered that their goo out of the Clerks office a new process for the Apprehending of Barsham Allen

[7:62]

John Clark being bound over to this Court by William Pepperrell one of his maj'tys Justices of the peace for Said county for being the reput'd father of a bast'd child begotten on the body of Lydia Furnald,

She not being delivered, Its considered by the Court that he be comitt'd untill he give baile to the Value of Sixty pounds for his appeareance at the Next Session and to perform what Shall be by the Said Court award'd against him and not to depart without Liberty from Said Court.

Memorand'm This day John Clark of Portsm'o in our Province of New Hampshire carpent'r, principle, Francis Pittegrove & John Mogridge Suretys, Acknowledge them Selfes to be holden & Stand firmly bound & oblig'd Joyntly & Severally unto our Sovereign Lord the Kings maj'ty for the penal Sum of sixty Pounds lawfull money of aforesaid to be paid to him his heirs or Success'rs. The condition of the above recogniz'ce is Such that if the above bound'd John Clark Shall personally appeare before his maj'tys Justices of the Next Court of Gen'l Sessions of the peace to be holden at York for Sd. county on the first tuesday of Janu'r Next & there to Stand & abide the order of Sd Court & not to depart without Lisence and in the mean time to be of good behaviour towards his ma'ty & all his Liege People. Then the above to be Void & of none Effect, otherwise to be remain in full force Strength & Vertue.

Thomas Butler Jun'r being bound over to this Court for being the reput'd father of a bast'd child begotten on the body of Eliz'a Gooding. She appearing in April Court Last & being Examin'd face to face made oath that the Sd. Thomas Butler is the father of Sd. child, as Likewise Sarah Warren & Martha Hearl appearing and being Exam'd upon oath did declare that the Sd. Eliz'a Gooding in the time of her travil did Accuse the Sd. Thomas Butler to be the father of Sd. child. Its therefore considered by the Court that the Sd. Thomas Butler pay to the Sd. Eliz'a Gooding towards the mainten'ce of Sd. child two Shillings & Six pence from the birth of Said child during this Courts pleasure & pay Fees of Court three pounds Eight Shillings, & to Stand committ'd untill he geett Suretys to perform the Same.

Memorand'm Thomas Butler Jun'r principle, Joseph Pray & Josiah Gudridge Suret's Acknowledge them Scelfes bound & oblig'd Joyntly & Severally unto the Over Seers of the poor of the Town of Berwick in the penal Sum of Sixty pounds curr'tt money of [*New England*] aforesaid to be paid to them or their Success'es. The Condition of this Recogn'ce is Such that if the above bound'd Thomas Butler Shall observe & comply w'th the Said order of Court, then the above Recogniz'ce to be Void & of none Effect otherwise to remain in full force & Vertue.

Eliz'a Gooding being bound Over to this Court for having a bast'd

child She owning the fact, Its considered by the Court that She receive Seven Strips on her nak'd back at the post & pay Fees of Court thirteen Shillings, Or that She pay a fine to the King of thirty Shillings & Fees as aforeSaid, & Stands committ'd.

The Sellectmen of the Town of York appearing to answer their Towns presentm't for not maintaining Sufficient bridges & causways perticularly on the North East side of cape neddick, they informing the Court that Since the Sd presentm't they had caus'd the Sd. bridges to be mended. Its considered by the Court they be Acquit'd paying Fees of Court: 8s.

The above Sellect'm of the Town of York appear'd & request'd that they might answer their New present'm (for want of Sufficient ways, vizt to Trafton ferry & from the mill Creek toward Berwick) w'ch being grant'd & they promised to take Effecttual care that the ways be mend'd. Its Considered they be acquit'd Paying Fees of Court: 5s.

Abig'l Morgen being brought before this Court to receive the Sent'ce declared ag'st her in July Court, 1722, She making Excuse that She was not able to com to receive it at the time Set by the aforesaid Court, Its considered that She now receive it & pay additional costs the whole amounts too £2"2"—& Stands committ'd untill Sentence perform'd.

[7:63]

Whereas James Grant made a Complant to July Court Last that he was over rat'd in the Several tax's of the Last year, who then ordered the Assess'rs to be Notyfi'd that they Should produce a list of their Several Assessm'ts to this Court; Benj'a Libby, John Homs [Holmes] & Joseph Pray who was then Assess'rs appearing, and both partys being heard, Its ordered by the Court that the Said James Grant be abat'd out of the minist'rs rate: 10s., Town ditto 5s., Province ditto. 2s., School ditto: 3s., the whole twenty Shillings & foure pence: & that the Assess'rs pay costs 12s.

Presentm'ts Made by the Grand inquest to this Court are as followeth vizt: The Town of Kittery for Defect in the Great Bridge by old Mrs. Curtices, and York for want of Sufficient ways vizt to Traftons ferry & from the mill Creek toward Berwick and Elianor Baine now Moulton of York for Fornication, and Hannah Spinny of Kittery for Fornication

JOHN SAYWARD Foreman

ANNO REGNI REGIS GEORGII DECIMO

At A Court of Genl Sessions of the peace holden at York
for and w'thin the county of York: January: 7th, 1723/4

Present John Wheelwright, Charl's Frost, Abraham Preble,
Joseph Hamond, Sam'l Moodey, Sam'l Plaisted, & Joseph
Hill Esq'rs.

The Grand Inquest are as Followeth vizt:

John Sayword Foreman

Thomas Perkings

Henry Simpson Jun'r

Elihu Parsons

Noah Emery

William Brooks

Sam'l Donnall

Jo's Billing

Josiah Gudridge

Thomas Gooding

Sam'l Tredwell

George Butland

John Mogridge

Lydia Furnalds bonds being continu'd to this Court for having a
bast'd child, and Accusing of John Clark to be the father of sd child,
Eb. More & Jon'a. Dam her Suretys appearing & informing the Court
that She was not able of body to com to this Court, & requested that
their bonds might be further continu'd untill April Court Next, Its con-
sidered by the Court that their request be grant'd, & that their bonds be
further continu'd untill Sd Court and that the Sd. John Clark be
comitt'd untill he give baile to the Value of Sixty pounds for his ap-
peareance at the Next Court of Gen'l Sessions of the peace to be holden
at York for Sd. county on the first Tuesday of April Next & to perform
what Shall be by the sd. Court award'd ag'st him, and not to depart
without Liberty from Sd. Court.

Memorand'm This day John Clark of Portsm'o. in our Province of
New Hampsh'r Ship carpentr principle, Zabul'n Trickey & Joseph Hill
Suretys Acknowledge them Selfes to be holden & Stand firmly bound &
Oblig'd Joyntly & Seaverally unto our Sovereign Lord the Kings maj'ty
for the penal Sum of Sixty pounds lawfull money of aforesd to be pd
to him his heirs or Success'rs. The Condition of this above recogniz'ce
is Such that if the above bound'd John Clark Shall personally appeare
before his maj'tys Justices of the above mention'd Court and there to
Stand & abide the order of Sd. Court & not to depart without Lisence
and in the mean time to be of good behavior towards his maj'ty & all his
Liege People, Then the above to be Void & of none Effect otherwise to
Remaine in full Force Strength & Vertue

Jos Curttis appearing to answer his presentm't for Selling Syder; he

given reasons to the Satisfaction of the Court; Its considered by the Court he be Acquit'd paying Fees of Court: 7s.

[7:64]

Thomas Butler and Benj'a Guttridge of Berwick in our Sd. county being brought before Charl's Frost Esq'r one of his maj'tys Justices of the peace for rescuing⁴³ horses from Miles Thompson & being ordered by Sd. Justice to pay a fine of fourty Shillings for the Use of the poor of the Town of Berwick & cost of Court it also appearing that at the Same time the Sd. Guttridge did profainely Swear by the name of God & he being ordered by Sd. Justice to pay a fine of five Shillings for the Use of the Poor of Sd. Town of Berwick, made their appeal from Sd. Sentence to this Court, and being call'd & not appearing, Its considered by the Court that a writ of Scire facias Issue out of the Clerks office ag'st the Sd. Thomas Butler & Benj'a Guttridge principles: & Jonathan Nason & Rich'd Thurla of Kittery Suretys for their appearance at April sessions Next & to Shew cause if any they have wherefore a warrant of Distress ought not to go forth ag'st them for the Fines & costs &ct & also for the Sum of five pounds forfeit'd for non proscicution of their Sd. Appeal

[Y. F. 1724-25, No. 1]

York Ss October 1st 1723

Thomas Butler and Benjamin Guttridge being brought before me for Rescuing horses from Miles Thompson According to the process, Who Pleaded Not Guilty. The Allegations, Pleas and Evidences on both Sides being fairly Heard and Debated, It is Considered the Said Butler and Guttridge pay a fine of fourty Shillings for the Use of the Poor of the Town of Berwick and Cost of Court. It also Appearing that at the Same Time the Said Guttridge did Profanely Swear by the Name of God, It is Therefore Considered he Pay a fine of five Shillings for the Use of the Poor of Said Town of Berwick

Charles Frost J. Peace

The Said Butler & Guttridge Appeals from the Above Judgment to the Next Court of Generall Sessions of the Peace to be holden at York for the County of York on the first Tuesday in January Next

Attest Charles Frost J Peace

A True Copie Exam'd per Charles Frost: J Peace]

James Parker being bound over to this Court by Sam'l Moodey Esq'r. one of his maj'tys Justices of the peace for Sd county for Selling Strong drink by Small Quantitys without Lisence, he coming into Court own'd the fact. Its considered by the Court that he pay a fine of Six pounds,

⁴³ Rescue: At common law, unlawfully or forcibly taking back of goods which have been taken under a distress, etc. Black's *Law Dictionary*, 4th ed. (1951), 1472.

thirteen Shillings & foure pence, & Fees of Court: 51s 10d; the fine to be dispos'd of vizt One halfe to the poor of the Town of Falmouth & the other halfe to Cap't Jerm'a Moulton the Commission'r & to Stand comitt'd untill Sentence perform'd.

Joseph Sweat constable of York having a warr't for Barsham Allen who he apprehend'd & afterwards Suffered him to Escape: ordered that there goo forth a new process for the apprehending the sd Allen so that he may be had at April sessions Next, & that the sd Sweat appear there to answer for his neglect.

Elianor Moulton appearing to answer her presentm't for Fornication She owning the fact, & Saith that Abel Moulton is the father of sd child w'ch She Stands present'd for, Its considered by the Court that the sd Elianor Moulton receive Seven Strips on her nak'd back at the post & pay Fees of Court Seven Shillings; or that She pay a fine to the King of thirty Shillings and Fees as aforesaid & Stands comitt'd Ordered that Abel Moulton be had at the Next Court to answer to the afforesaid premises.

Job Commacher an Indian being bound over to this Court by Charles Frost & Joseph Hamond Esq'rs two of his maj'tys Justices of the peace for sd county per complaint of John Morrell Jun'r for Violently Assulting & abusing sd Morrell in cutting him w'th a hatchet as per the record & process appears, Its considered by the Court that the Sheriff of this county take the Sd Commacher into Custody & deliver him to Such Officer as Shall be appoint'd in New Hampsh'r to receive him at the Line (it appearing that the Sd Fact was committ'd in Sd Province of New Hampsh'r) Provided Sd. John Morrell before the rising of the Court give baile w'th Sufficient Suretys to proscicute, otherwise the sd Commacher to pay Fees of Court 27s and be Acquit'd.

Daniel Grant being brot to this Court to answer to his two Sever'l presentm'ts for not attending the Publick worship of god, as Likewise for his contempt of Authority; Its considered by the Court that he pay a fine to the Use of the poor of the Town of Berwick for the Sd two presentm'ts of fourty Shillings & Fees of Court 32s and for his contempt of Authority he give bond w'th Sufficient Surety to the Value of five pounds for his good behaviour untill the Next Sessions & Stands comitt'd untill Said Sentence is perform'd.

[7:65]

Sarah Hanny wife of Joseph Hanny being bound over to this Court by Abraham Preble Esq'r One of his Maj'tys Justices of the peace for

Sd County, for having found in her Possession a large put'r dish w'ch was Suspect'd to have ben Stolen from Dorothy Watkins wid'w & Administr'x to the Estate of Capt. John Watkins late of New Castile in our Province of New Hampsh'r; The Said Jo's & Sarah Hanny appearing who being Ask'd where [sic] they where [sic] Guilty or not Guilty; who pleads not guilty & desiring to be try'd by God & the countery, the Grand Jury being dismiss, Its considered by the Court that it be continu'd untill the Next Court of Gen'l Sessions of the peace to be holden at York for sd county & that the sd Jo's & Sarah Hanny give bond w'th Sufficient Suretys to the Value of thirty pounds for their appeareance at the afores'd Sessions & to perform what Shall be award'd ag'st them by sd Court & not to depart without Liberty from sd Court as Likewise to give bond w'th Sufficient Suretys to the Value of thirty Pounds unto the Sd Dorothy Watkins to pay her Treble damages if she recover ag'st them As Likewise that the sd Dorothy Watkins give bond w'th Sufficient Suretys to the Value of ten pounds that She Shall proscicute the sd Joseph & Sarah Hanny at the aforesaid Court

Memorand'm Joseph & Sarah Hanny principles, Thomas Baker & John Booker Suretys all of York in our sd county of York, Acknowledge them Selfes to be holden & Stand firmly bound & oblig'd unto our Sovereign Lord the Kings maj'tys in the penal Sum of Thirty pounds Lawfull money of [*New England*] aforesd to be paid to him his heirs or Success'rs. The Condition of the above Recogniz'ce is Such that if the sd Jo's & Sarah Hanny Shall personally appear before his maj'tys Justices of the Court of Gen'l sessions of the peace to be holden at York for sd county on the first Tuesday of april Next, & there to Stand & abide the order of sd Court & not to depart without Lisence, Then the above to be Void & of none Effect, otherwise to be & remaine in full force & Vertue

Memorand'm the Sd Jo's Hanny principle, Thomas Baker & John Booker Suretys Acknowledge them Selfes to be holden & Stand firmly bound & oblig'd unto the sd Dorothy Watkins in the penal Sum of thirty pounds. The Condition of the Recognz'ce is Such that if what Shall be award'd at the afforesd Court to the sd Dorothy Watkins Shall be paid her by the sd Jo's Hanny, That Then the above to be Void and of none Effect otherwise to be & remaine in full force & Vertue.

Memorand'm Capt. Wm Pepperrell Jun'r Attorney to the sd Dorothy Watkins as principle Tho's Phips Esq'r & Hercular Fornald Suretys Acknowledge them Selfes to be holden & Stand firmly bound & oblig'd Joyntly & Severally in the penall Sum of Ten pound Lawfull money of

aforesaid to be paid to our Sovereign Lord the King his heirs or Success'rs if the sd Dorothy Watkins Shall make default in her proscicuting as above Said.

James Tyler appearing to answer his presentm't for Selling Strong drink by Small Quantitys without Lisence, he being Ask't where [*whether*] guilty or not guilty he pleads not guilty & desiring to be try'd by God & the countery; the Grand Jury being dismist, Its considered by the Court that it be continu'd untill the Next Sessions to be hold'n at York for sd county, and that he give bond with Sufficient Suretys to the Value of twenty pounds for his appeareance at the afforesd sessions & to perform what Shall be by sd Court award'd ag'st him & not to depart without Liberty from sd Court.

Memorand'm James Tyler of York in sd county principle, Francis Littlefield & Ellia'm [*Eliakim*] Warwick of Wells in our sd County Suretys, Acknowledge them Selfes to be holden & Stand firmly bound & Oblig'd Joyntly & Severally unto our Sovereign Lord the Kings Maj'ty in the penal Sum of Twenty pounds to be paid to him his heirs or Success'rs. The Condition of the above is Such that if the sd James Tyler Shall personally appear before his ma'tys Justices of the Court of Gen'l Sessions of the peace to be holden at York for sd county on the first Tuesday of April Next, & there to Stand and Abide the order of sd Court & not to depart without Lisence, Then the above to be Void & of none Effect, otherwise to be & remaine in full force, Strength & Vertue.

[7:66]

Sam'l Hill constable of Wells having a warr't to aprehend John Treworgie so that he might have ben had at this Court, who made return that he had aprehend'd him, but that his Cap't would not leett him be bro't, w'ch return is not acceptable to this Court, ordered that there goo forth a new process for the aprehending the sd Treworgie so that he may be had at april sessions Next, as Likewise that sd Constable Hill appeare there to answer for his Neglect.

The presentm'ts made by the grant Inquest to this Court are as followeth vizt:

Hannah Grover now the wife of John Leighton of York for Fornication.

Sarah Johnson now the wife of Henry Simpson for Fornication

James Tyler of York for Selling Strong drink by information of Capt. Jerem'a Moulton; Job Curttice for Selling Syder

John Burrell for not frequenting the Public worship of God: & the Constables of Every Town in the county for not providing a Standard of Lawfull weights & measures⁴⁴ in Each Town Except the Towns Eastward of Wells

JOHN SAYWORD Foreman

ANNO REGNI REGIS GEORGII DECIMO

At a Court of Gen'l Sessions of the peace holden at York for & within the county of York April 7th, 1724: Present John Wheelwright, Charles Frost, Joseph Hammond & Joseph Hill Esq'rs

The grand inquest are as follow'th vizt.

John Sayword Foreman

Elihue Parsons

Noah Emery

Sam'l Donnal

Jo's Billing

Josiah Gudridge

Thomas Gooding

Sam'l Tredwell

Benj'a Webber

Geo: Butland

John Mogridge

Pemblton Fletcher

Wm Brooks

The Grand inquest for the Year Ensuing being sworn are as followeth vizt⁴⁵

Sam'l Clark Foreman

Abiel Goodwin

Zachi's Trafton

Zebulon Preble

Sam'l Shorey

Peter Staple

Gowen Willson

Diamond Sergant

Sam'l Savery

Tho's Gooding

Lydia Fernalds bonds being continu'd to this court for having a bast'd child lately born of her body, She appearing own'd the fact. Its considered by the Court that She receive seven Strips on her nak'd back at the post & pay Fees of Court 18s6 or that She pay a fine to the King of thirty Shillings & Fees as aforesaid, & Stands comitt'd.

[7:67]

John Clarks bonds being continu'd to this Court for being the Reput'd father of a bastard child begotten on the body of Lydia Fernald, She continuing constant in sd Accusation in Court face to face as also Catharine Waymouth maketh oath that She was w'th the sd Lydia Fernald in the time of her travil & that She was Examin'd at the same

⁴⁴ Two statutes governed: 1692-93 Province Laws ch. 30, An Act for the Due Regulation of Weights and Measures, 1 *Acts and Resolves* 69-70; 1705-6 Province Laws ch. 6 An Act in Addition to the above *ibid.*, 575-576.

⁴⁵ This list was short four names. See *infra*, 158, 159.

time who constantly affirm'd that the Sd John Clark was the father of Sd bastard lately born of her body. Its therefore considered by the Court that the sd John Clark pay to the sd Lydia Fernald tow'ds the maintenance of sd child two Shillings & Six pence per week from the birth of Sd child during this Courts pleasure & pay Fees of Court 33s. & to stand comitt'd untill he geett suretys to perform the same

Memorand'm John Clark principle Joseph Hodgdon & Thomas Hutchins suretys Acknowledge them selves bound & Oblig'd Joyntly & severally unto the Sselectmen or over Seers of the poor of the Town of Kittery in the penal sum of sixty pounds to be paid to them or their success'rs. The Condition of this recogniz'ce is such that if the above bound John Clark Shall observe & comply w'th the above sd order of Court & keep the Town of Kittery free from any charge for sd childs maintenance then the above to be Void otherwise to remain in full force.

Joseph Hanny & Sarah his wife being bound over to this Court from the last Court of Gen'l sessions of the peace holden at York for our Said County, for being suspect'd of having stolen a large put'r dish w'ch was found in their possession claim'ed by Dorothy Watkins as administer'x to the Estate of Capt. John Watkins late of New Castile in our Pro. New Hamp'shr, dece'd, as per the process & record appears, the Several papers being delivered the Grand Jury who present'd Joseph Hanny for stealing a put'r plater Alias supe dish belonging to sd John Watkins, the Said Joseph Hanny [*several words lined out*] pleads not Guilty & puts him selfe upon Tryal by God & the countrey, after a full hearing the case was comitt'd to the Jury, who went out thereon & return'd their Verdict upon Oath vizt, they have Examin'd the presentment & find Joseph Hanny guilty of stealing a put'r plat'r Valu'd at five Shillings. Its therefore considered by the Court that the sd Joseph Hanny pay to the sd Dorothy Watkins fiveteen Shillings & a fine to his maj'ty of twenty Shillings and costs of Court tax't at foure pounds Seventeen Shillings & to Stand comitt'd untill he geett suretys to perform the same. The sd Joseph Hanny appeals from this Sentence to the Next Court of Assize & Gen'l Goal delivery to be holden at York for sd county.

Memorand'm the Sd Joseph Hanny principle Sam'l Adams & John Baker suretys Acknowledge them selves to be holden & Stand firmly bound & oblig'd Joyntly & Severally in the penal sum of thirty pounds to be paid to Our Sovereign Lord the King his heirs or Success'rs. The Condition of this above recogniz'ce is such that if the sd Jo's Hanny

Shall personally appeare at the aforesd Court appeal'd too & Shall there proscicute his appeal w'th Effect & abide & perform the order or Sentence of sd Court thereon & to be of good behaviour in the mean time: &c, that then the above to be Void otherwise to remain in full force & Vertue.

[No record of appeal found.]

[7:68]

James Tyler appearing to answer his presentment for Selling Strong drink without Lisence, who pleads not guilty & puts him Selfe upon Tryal by God & the countery, after Several Evidences being taken & the case being fully heard it was comitt'd to the Jury who went out thereon & return'd their Verdict upon Oath vizt. they find James Tyler guilty of Selling Strong drink in Small quantitys by the quart. Its therefore considered by the Court that he pay a fine of ten pounds & Fees of Court thirty foure Shillings & six pence the fine to be disposed of vizt one third to the poor of the Town of York, one third to the Commission'r & the other third to John Woodbridge the Informer. The Sd James Tyler appeals from this Sentence to the Next Court of Assize & General Goal delivery to be holden at York for sd. county.

Memorand'm James Tyler principle, James Allien & Nich'o Morrel Suretys Acknowledge them selves to be holden & stand firmly bound & Oblig'd unto our Sovereign Lord the King in the penall Sum of thirty pounds to be paid to him his heirs or Success'rs. The Condition of the above recogniz'ce is Such that if the Sd James Tyler Shall personally appeare at the aforesaid Court appeal'd too and Shall there proscicute his Sd. appeal w'th Effect & abide & perform the order or Sentence of Sd. Court thereon & in the mean time to be of good behaviour &c. then the above to be Void otherwise to remaine in full force Strength & Vertue

[No record of appeal found.]

Sam'l Hill constable of the Town of Wells appearing to answer his presentment for not taken care of a Standard of weights & measures for his Sd. Town as the Law directs: Its considered he be Acquit'd paying Fees of Court 12s.

Henry Snow, Daniel Fogg Jun'r, Nath'l Fernald & Wm. Tucker constables of Kittery appearing to answer their presentm't for not taking care to provide a Standard of weights & measures for their Sd. Town

as the Law directs, Its considered they be Acquit'd paying Fees of Court 37s.

Daniel Emery & Wm. Lord constables of the Town of Berwick appearing to answer their presentm't for not taking care to provide a Standard of w'ts and measures for their Sd. Town as the law directs, Its considered they be Acquit'd paying Fees of Court 20s.

Joseph Sweat & Ebenezer Blasdel constables of the Town of York appearing to answer their presentm't for not taking care to provide a Standard of weights & measures for their Sd. Town as the Law directs Its considered they be Acquit'd paying Fees of Court 22s.

[7:69]

Ordered that the Clerk of our said Court be directed to Send orders to the constable of Each of the Said Towns that they forthw'th provide them selves with such Standards as the Law directs of weights & measures.

Daniel Simson chosen county Treasurer & sworn in Court⁴⁶

Joseph Moulton chosen one of the Trustees for the hundred thous'd pounds Loan money⁴⁷ & sworn in Court.

Sam'l Hill constabl of Wells appearing to answer to his apprehending John Treworgie & after wards to make return that his Capt. would not deliver him; Its considered by the Court that he be Admonish'd & pay Fees of Court 3s6.

Joseph Sweat constable of York appearing to answer to his not Secuering of Barsh'm Allien after he had apprehend'd. Its considered by the Court that he be admonesh'd & pay Fees of Court 7s.

Barsham Allien being apprehend'd & bro't to this Court to answer to his being Accused of being the father of a bast'd child Latly born of Eliz'a Brackit She having sworn it face to face, Its therefore considered by the Court that the Sd. Barsh'm Allien pay to the Sd. Eliz'a Brackit towards the maintenance of Sd. child two Shillings & six pence per week from the birth of Sd. child during this Courts pleasure and pay Fees of Court: 14s. & to Stand committ'd untill he geett suretys to perform the Same.

Memorand'm the Sd. Barsh'm Allien principle James Allien & John Woodbridge suretys Acknowledge them Selfes to be holden & Stand firmly bound & oblig'd Joyntly & severally unto the Sselectmen or over

⁴⁶ Abraham Preble, the former Treasurer, died 14 March 1723-24.

⁴⁷ Cf. 1716-17 Province Laws ch. 18, 2 *Acts and Resolves* 61-64.

Seers of the poor of the Town of York in the penal Sum of Sixty pounds to be paid to them their heirs or Success'rs. The Condition of this Recogniz'ce is Such that if the above bound'd Barsh'm Allien Shall Observe & comply w'th the above Sd. order of Court & Keep the Town of York free from any charge for Sd. childs maintenance then the above recogniz'ce to be Void & of no Effect otherwise to remaine in full force & Vertue.

Thomas Buttler, Benj'a Guttridge, Jon'a Nason & Rich'd Thurla being brought to this Court by a writ of Scire facias to Shew cause wherefore we ought not to have our Exicution or warrant of distress against them for the forfeiture of their Recogniz'ce of five pounds: taken before Charles Frost Esq'r one of his maj'tys Justices of the peace for Sd county on the first day of Octob'r last past as per the recogniz'ce & record app'rs, they appearing in Court & made it appeare that they had comply'd w'th Mr Justice Frosts Judgm't in lodging the fine order'd to the poor of the Town of Berwick of forty Shillings in Mr Sheriff Leigh-ton's hands, Its therefore considered by the Court that the Exicution be Suspend'd for the remaind'r forfit'd during this Courts pleasure & that they pay Fees of Court: 28s.

[7:70]

Ordered that the Sheriff of this county forthwith take into his Custody the records of Deeds &c for Sd county Late in the hands of Abraham Preble Esq'r dec'd Regist'r together with all deeds & Instruments Lodg'd in the Sd. Regist'rs Office and that he keep them saffely Lockt up in sum secure place in the Town of York till further Order from this Court & that the Sheriff take Acco't of what books & papers he there finds & make return to this Court.

Daniel Paul Jun'r being bound over to this Court by Jo's Hammond Esq'r one of his maj'tys Justices of the peace for Sd. county for that he the Sd. Daniel Paul was Accused by Bathsheba Lydston for begeting her with child of w'ch child She was delivered on the 24th of Decm'r last She being Examin'd by the midwife in the time of her Travell at w'ch time She declared Sd. Paul to be the father of Sd. child & did likewise declare the time when She was begot with child as per the Deposition of Mrs. Mary King appears w'ch time appears to the Court to be about the last of may or begining of June w'ch was not Seven months, before She was delivered they being Examin'd face to face in Court She continuing her Accusation & that he had to do with her at Several times before; the Said Daniel Paul did Acknowledge he had to do with

her the last Christmass was two years Since & once in June last & at no other times, Sundry Evidence appearing on both sides the Question was put whether the Sd. Barsheba Lydston be Admitt'd to her oath it pas'd by two Yeas & two No's. Its therefore considered by the Court that the Sd. Paul, & Lydston Each of them give bond w'th Suretys for their personal Appeareance at the next sessions untill w'ch time the Court has refer'd this cause for further consideration. Barsh'a Lydston principle, John Lydston & Nich'o Morrell suretys, Acknowledge them Selfes bound & Oblig'd unto our Sovereign Lord the Kings Majs'ty in the penal sum of ten pounds to be paid to him his heirs or Success'rs. The Condition of this recogniz'ce is such that if the aforesd Barsh'a Lydston Shall personal [ly] appeare at the Next Court of Gen'l sessions of the peace to be holden at york for Sd. County on the first Tuesday of July Next & there abide the order of Sd. Court: then this above recogniz'ce to be Void; otherwise to be & remaine in full force Strength & Vertue.

Daniel Paul Jun'r Principle John Leighton Esq'r & Benj'a Stone suretys, Acknowledge them selves to be bound to our Sovereign Lord the Kings maj'ty in the penal sum of Sixty pounds that the Sd. Daniel Paul Shall app'r at the Next Court of Gen'l sessions of the peace & there abide the order & Sentence of Sd. Court.

[7:71]

Daniel Paul Jun'r appearing in Court & being convict'd that he was guilty of the Act of fornication with Barsh'a Lydston, Its therefore considered by the Court that he receive Seven Strips on his nak'd back at the post & pay Fees of Court 5s. or that he pay a fine to the King of thirty Shillings & Fees as aforesd & Stands committ'd.

Barsh'a Lydston appearing in Court & being convict'd of the Act of Fornication Its therefore considered by the Court that She receive Seven Strips on her nak'd back at the post & pay Fees of Court: 16s or that She pay a fine to the King of thirty Shillings & Fees as aforesaid & Stands committ'd.

[Y. F. 1724-1725, No. 5]

[1]

York Ss To the Sheriff of the County of York his under Sheriff or Dep'ty or Constables of the Town of Kittery or Either of them Greeting.

Whereas Compl't is made unto me the Subscriber one of his Maj'tys Justices of the peace for sd County by John Lydston of sd Kittery Shipwright that his Daughter Bathsheba Lydston hath been gotten with child by Daniel Paul Jun'r of sd Town Shipwright and that she was delivered of the Same on the 24th day of Dec'r Last And that the sd Daniel Paul refuseth to maintaine the sd Child,

These are therefore to require you in his Maj'tys Name forthwith to Aprehend & bring the sd Daniel Paul Jun'r before me or Some other of his Maj'tys Justices of the peace for sd County to be Exam'd touching the premisses And further proceeded with according to Law. You are alike required to bring the sd Bathsheba Lydston at the same time to be Exam'd as aforesd. Given under my hand & Seal this 12th day of March in the Tenth year of his Maj'tys reign Annoque Domini 1723/4

Jos: Hammond

Vera Copia Exam'd Jos Hammond J. Pac

Kittery March 16th 1724 Pursuant to the within warra't I have Aprehended the within Named Daniel Paul & brought him before Joseph Hammond Esq'r to be further proceeded ag'st as the Law Directs. And I have also brought the within named Bathsheba Lydston at the time & place aforesd to be Exam'd touching the premisses. By me Daniel Fogg Consta

Vera Copia Exam'd Jos Hammond J: Pac

[2]

York Ss

ANNO REGNI REGIS GEORGII DECIMO

March 16th: 1723/4. Daniel Paul Jun'r of Kittery in the sd County Shipwright being brought before Joseph Hammond Esq'r One of his Maj'tys Justices of the peace for sd County & being Accused by Bathsheba Lydston of sd Kittery Singlewoman for begetting her with Child of which She was delivered the 24th of Dec'r Last, He denying the fact, Its Considered that he give bonds with Suretys to the vallue of fifty pounds for his Appearance at the Next Court of Gen'l Sessions of the peace to be holden at York for sd County on the first Tuesday of April next to Answer what shall be Objected Against him relating to the premisses. Its also Considered that the sd Bathsheba Lydston give bonds with Suretys for her Appearance at sd Sessions to Answer for her Committing the Act of fornication and what may be further Objected Against her relating to the premisses.

[There follow memoranda of the recognizances with bond: sureties for Daniel Paul were Joseph Hammond, Jr. and Daniel Fogg, Jr. For Bathsheba, sureties were John Lydston and Joseph Hill. The amount of her bond was five pounds.]

Vera Copia as of record Exam'd Jos: Hammond J: Pac

[3] Mistress Mary King Testifyeth that about the 24th day of Dec'r Last She was with Bathsheba Lydston in her Travail & asked her who was the father of her Child She then Travailed with. She Said it was Daniel Pauls. She Asked her when he begat her with child, She replied About a week after the vessell was Launched At York river.

Taken upon Oath March 25th. 1724. Bathsheba Lydston being notified to be present

Coram Jos: Hammond J: Pacis

Sarah Allen Testifyeth that about the 24th of Dec'r Last She was with Bathsheba Lydston in her Travail & heard Mistress King who was the Midwife Ask sd Bathsheba who was the father of her Child. She said it was Daniel Paul The Same Question being Asked her Several times She Continued Constant in the Same And being Asked when he begat her with Child, replied it was about a week after the vessell was Launched at York river.

Taken upon Oath March 25th 1724 Bathsheba Lydston being Notified to be present

Coram Jos: Hammond J. Pacis

[4] [This is an exact copy of the above testimony of Mary King and Sarah Allen.]

[5] Abigail Lydston the wife of John Lydston Testifieth, I heard Bathsheba Lydston Say the Last Sumer past At my father Pauls house, And there She was a telling what a great Liberty a Young woman has to what a young man hath for, Said She, I will Let any Young man get me with child and then, Said She, I can lay it to who I please because a woman has that Liberty granted to them.

Taken upon Oath March 25th: 1724. Bathsheba Lydston being Notified to be present,

Coram Jos. Hammond J: Pac

Vera Copia Exam'd Jos: Hammond J: Pacis

[6] [An exact copy, in another hand, of the foregoing testimony of Abigail Lydston.]

[7] Samuel Remich Testifyeth that Sometime the Last Summer he Saw Joseph Hill go in to Mr Lydstons house And Soon after he the Deponant went after him and saw him Sitting on the bed with Bathsheba Lydston & he saw no other person in the house

Taken upon Oath March 25th 1724: Bathsheba Lydston being notified to be present

Coram Jos: Hammond J: Pac

[8] Sarah Paul the wife of Daniel Paul Testifyeth I heard Bathsheba Lydston Say the Last Summer past that Thomas Ham & Abigail Hill and She used to lye together in Naked bed for above a year & a halfe off & on upon times and I heard Bathsheba Lydston Say that Sometimes they used to do it once a night Sometimes twice a night And sometimes Three times a night & Bathsheba Lydston Said that Sometimes Abigail Hill used to get up and leave Thomas Ham & She together in the bed, and I Asked her why she did not tell her father of these Carryings on and Bathsheba Lydston Answered & Said So She had but her father told her that whatever She knew or Se or heard She must hold her tongue & Say nothing About it because of makeing a difference in the house

Taken upon Oath March 25th 1724. Bathsheba Lydston being Notified to be present

Coram Jos: Hammond J: Pacis

Vera Copia Exam'd Jos Hammond J Pac

[9 and 10 are identical with 8; No. 9 is a copy of Sarah Paul's statement in another hand, and No. 10 is the same statement, but made by Mary Spencer.]

[11] York Ss. To Susana Lydston, John Lydston, Jun'r & Lydia Phillips of Kittery Greeting

You & Each of you are hereby required in his Maj'tys name to make your Appearance before me the Subscriber one of his Maj'tys Justices of the peace for sd County at my dwelling house in Kittery on fryday the 27th of March Instant at five of the clock afternoon to Testfy the Truth of what you know relating to a Bastard Child Lately born of the body of Bathsheba Lydston which She Accuseth Daniel Paul Jun'r to be the father of, faile not at your Perrill.

Dated the 5th of March Anno Domini 1724

Jos: Hammond

To Daniel Paul Jun'r of Kittery Greeting

You are hereby notified to be present to hear the above Evidences if you Se meet.

Dated as above

by Jos: Hammond J: Pac

[12] Susannah Lydstone of full Age testifieth and saith that Sundri times she saw Daniel Paul Juner and Bathshabe Lydstone In Company one with Another and further

the said Susannah Lydstone saith that the Last Spring Past She saw the said Paull and Bathshabe Lydstone [and] several others with them and they all went Away Except the said Paull and Bathshabe Lydstone. I the Deponant heard sum Parsons talking at the fore Door which I the Deponant did surpose to be the said Paull and Bathshabe Lydstone I the Deponant saw Bathshabe Lydstone open the back Doore and went into Another rume toward the fore Door and in a fue minits I Heard the fore Doore oppen and in a little time heard sum toulk which I the Deponant did suppose to be the said paul and Lydstone. I the Deponant heard our negro laughing at the said Lydstone and she asked him how he knew, I the Deponant told her that I knew and after a while She said that the said paull Did lodge with her that night And further saith not [*Added in Hammond's hand:*] only that Lem'll Bickford did frequent Mr Lydstons house as a suiter⁴⁸ to Bathsheba before & after She was delivered of her child

Taken upon Oath March: 27th 1724 Daniel Paul being present

Coram Jos: Hammond J: Pac

[13] John Ledstone of full age Sayeth that he has seen Daniel Paull and Bathsheba Ledston often together Loveing and familor at Said Paulls fathers hous and saw them walk away together after it was night at Severall times, this was last Spring [*Added in Hammond's hand:*] he further Saith that he has Seen Joseph Hill Sitting on the bed with Bathsheba Also Thomas Ham & Lemuel Bickford

Taken upon Oath March 27: 1724 Daniel Paul being present

before Jos: Hammond J: Pac

[14] Lydia Phillaps of full age Sayeth Shee was att Abegille Ledstones talking conserning Bathsheba Ledston and Daniel Paull Sum time in desember last and Abegille Ledston told this Deponant that Daniel Paull told her father Ledston that Said Bathsheba Ledstons Child was none of his for he had not lyed with her Since January [*Added in Hammond's hand:*] She further Saith that She has heard that Lem'l Bickford did make suit to Bathsheba Lydston to be his wife before & after She was delivered of her child

Taken upon Oath March 27th 1724: Daniel Paul being present

Coram Jos: Hammond J Pacis

[On April 2 another statement was taken from Mary King, the midwife, apparently for use at the sitting of the Court on the 7th. It is in Joseph Hammond's hand, and is identical with nos. 3 and 4 above.]

[16] [*One more evidence was heard when the Court sat:*]

William Ferneld of Full age Testifyeth That Abraham Remich told me that he Knoct bathsheba Lidton Sum time In Agust Last and forder Sath not

York Ss april 7th 1724

Sworn in Court attests Wm Pepperrell Cler

[17] Know All men by these presents that We Daniel Paul Jun'r of Kittery in the County of York & Province of the Massachusetts Bay in New England principle & Daniel Paul Sen'r his Surety, Are holden & Stand firmly bound & Obliged unto the Kings Maj'ty in the Penal Sum of fifty pounds Currant money of New England to be paid unto his sd Maj'ty his heirs or Successors if Default happen to be made in per-

⁴⁸ But, according to *Gen. Dict. Me. & N. H.*, 91, Lemuel Bickford (b. March, 1703-4) married Temperance Downing.

formance of the Conditions following Vizt. to which paym't well & truely to be made we bind ourselves our heirs Executors & Adm'trs firmly by these presents Sealed with our Seals Dated the Eighteenth day of May Anno Domini 1725, Annoque Regni Regis Georgii Magnae Brittanicae &ca Undecimo

The Condition of this Recognizance is Such that if the above bounded Daniel Paul Jun'r or Daniel Paul Sen'r do perform an order of his Maj'tys Justices of the Court of Gen'l Sessions of the peace holden at York for sd County on the first Tuesday in April Anno 1724 vizt. for the sd Daniel Paul Jun'r his paying Two Shillings & Sixpence per week unto Bathsheba Lydston of Kittery aforesd Singlewoman Towards the maintainance of her child from the birth thereof Dureing the Courts pleasure & also Save the Town of Kittery free from Charge for the maintainance of sd Child, then this present recognizance to be voyd & of none Effect or Else to Abide & remaine in full force & vertue.

Signed & Sealed

Daniel Paul Jun'r [Seal]

In presence of

Jos Hammond

daniel paul [Seal]

Tobias Leighton

York Ss May 18th 1725

Dan'l Paul Jun'r & Dan'l

Paul Sen'r Acknowledged the
above recognizance

Before Jos: Hammond J: Pacis

[Superscribed:] To be Lodged w'th the Clerk of the peace on the files of April Sessions
1724]

Complaint being made to this Court by the rever'd Mr. Hugh Henry, relating to Thomas Harris & Mary Duly's cohabiting together. Ordered that there goo out a process from this Court Direct'd to the Sheriff or his Deputy or constable of the Town of Scarborough for the Apprehending the Sd. Harris & Duly so that they may be had at the Next term, there to answer to such matt'rs as on his maj'tys behalfe Shall be alleag'd against them relating to the premises, & that the Sd. Henry be sumon'd to attend the Sd. term as Likewise to prodouce what Evidence he can to make out his charge.

[Y. F. 1724-1725, No. 5.]

[1] [*A letter from the Rev. Hugh Henry of Scarborough to one of the justices. The outer address is missing.*]

Blackpoynt Decem: 16th 1723

Ho: Sir,

I had the honour of your acquaintance at the Bank [i.e., *Strawberry Bank; Portsmouth*] in october, and acquainted you that I had informed the quarter sessions of the justices of the peace sitting at York about that time that on [e] Thomas Harris hath lived in this town of Scarborough, where he hath no estate, these several years past with his decised wifes sister in a house by themselves, and his said wifes sister called Mary Duly hath brought forth several children during her cohabitation so with him under great suspicion by all that the said children are by him, and she haveing absented her self for

some time the last year hath returned again to him and so they cohabit as formerly since August last and I expected that the Quarter Session would, upon my complaint, have taken some course to separate them from liveing so to the scandal of mankind and of the gospel before this time but they have not and so the said persons continue to cohabit impudently under such large tolleration as they expect to have, for they regard not little small mulkes [mulcts] or fines imposed on them at some times seeing they get liberty to cohabit as they have don and does as if there were no order among us to restrain them, and I understand nothing can separat them but the prison, and if course not be taken to separat them I am exonerated, only I desire the favour of you to make inquiry what the Quarter Session hath don or intends to do in this affair and send me notice by a line with the first occasion comeing this way that my griev'd spirit may be refreshed, if possible, when I see Sin suppressed among us and that impudent sinners do not triumph before our faces. And this with my service to the Worshipfull Binch I [*illeg.*] and am,

Sir,
Your Ho's
loveing friend and servant
Hugh Henry
Minister at Scarborow

Sir, I am informed you are judge of the Court and if they have don nothing in this affair, perhaps they may refer it to you and if they do I pray you make as great dispatch in it as possible that the wicked may not insult and weaken our hands in the work of the gospel

[2] [*A letter from Henry to Major Samuel Moody Addressed on the outer fold:*]

To

The Honoured Major Mudy
liveing at Casco present

[*Inside:*]

Blackpoint feb: 13 1723/4

Dear Sir,

Seing Col: Westbrook is gon thither I desire you would acquaint him that the Quarter Sessions have appoynted to bring Thomas Harris and Mary Duly to justice, and therefore we desire the said Thomas Harris may be discharged and no further to be encouraged by his maintainance to go on in his wickedness, & I am perswaded that if the government knew that he were encouraged all this while in the service under the senance of excommunication for his contumaly against the Church declaring his sin like Sodom they would not be content. I am very much griev'd that the Quarter Sessions delayed their diligence against these scandalous persons so long, now these 4 moneths since complaint was made to them in that affaire, & if they delay much longer I will be obliged for my own exoneration and peace of conscience to apply to the Counsel or General court at Boston to implore their assistence to suppress avowed abomination now for so long a time suffered in this place as if it were an heathen country where there were non fearing God to take course with it, for I cannot be at peace till I have used my utmost diligence to restrain it, besid the blow our church session hath given to the said scandalous persons which is more formidable and sharp then any civil sword on earth, if they had spiritual senses, amd is the most effectual mean to subdue and save the stoutest and most contumacious sinners 1 Cor: 5: 5: their souls are sav'd by it in the day of the Lord, and to teach better manners 1 Tim: 1: 20: it learns them not to sin and that effectively 2 Co: 2, 6, 7, 8 yet it is reasonable we have the assistance of the civil sword and such as bear it are commanded to help against sin Rom: 13.4 &

therefor let non that hear the word be either [*rest of line torn, to bottom of sheet. Along the side, added:*] with my love and Service to your family and to the Colonel is all at present from Sir your loving friend and servant

Hugh Henry

[3] York Ss To the Sheriff of our county of York his Under Sheriff or Deputy or Constable of the Town of Scarborough, Greeting

[*Seal*]

You are hereby required in his Maj'tys Name to Apprehend Thomas Harris & Mary Duly both of the sd Town of Scarborough so that they may be had before his Maj'tys Justices of the Court of Gen'l Sessions of the peace to be holden at York for sd county on the first Tuesday of July Next Then & There to answer to Such matt'rs of misdms as on his Maj'tys behalfe Shall be Object'd ag'st. them relating to their cohabiting conterary to the Laws of this our Province of the Massachus'ts bay: Hereof fail not Dat'd the 20th day of April in the Tenth Year of his maj'tys Reign annoque Domini: 1724

per Curiam Wm Pepperrell Cler

You are Likewise required to give personal sumons unto the rever'd Mr Hugh Henery that he appear at the aforesaid Court. As Likewise for him to produce what Evid'ce he can to make out the Charge

per Curiam Wm Pepperrell Cler

[*Reverse:*]

York Ss appril 25 : 1724

pursuant to the within Warrant to me directed I have apprehended the within Named Harris & have taken goods in Costody to the waley [*sic*] of five pounds in the loue of a Bond for his appearance & have delivered the warrantt to the Constabel [of] Scarbrough to apphend the within Mary Duley

by Nich'o Morrell D Shriff

Scarbrough June the 11 day anno 1724

In pursuan to the within warrant to me directed I have made Sarch for the within written Mary Duly and She cant be found in my persencs [*sic*] The Revernd Mr Hugh Henery hant bin in Town Sence

Thomas Seveay Constable]

Hannah Leighton appearing to answer her presentment for Fornication She owning the fact Its considered by the Court that She receive seven Strips on her nak'd back at the post & pay Fees of Court 7s. or that She pay a fine to the King of 30s. and Fees as aforesaid & Stands committ'd.

Ordered that there goo out a warr't for the apprehending John Leighton of York husband to the Sd. Hannah Leighton so that he may be had at the Next term, She alleaging that he is the father of Sd. child.

Sarah Simson wife of Henry Simson appearing to answer her presentment for Fornication She owning the fact & being Ask't who was the father of Sd. child w'ch was lately born of her body, who made answer to the Court & said it was no matter who was the father of Sd.

child She had a husband to maintain it & leett the Court do as they pleased She was ready to answ'r her fine: Its considered by the Court that She receive Ten Strips on her naked back at the post & pay Fees of Court: 7s. or that She pay a fine to the King of five pounds & Fees as aforesaid & Stands committ'd.

Ordered by the Court that there goo out a war't to apprehend Henry Simson of York so that he may be had at the Next term to answer to his being Suspect'd of being guilty of the Act of Fornication w'th the Sd. Sarah Simson.

[7:72]

Ordered that Eld'r Joseph Seward, Benj'a Stone, Daniel Simpson, Capt. Sam'l Came, Cap't William Pepperrell be a committee to Exam'ne the Acco'ts of Abraham Preble Esq'r (dece'd Late treasur'r of our Said county), w'ch relates to the Treasury & lay an Acco't of the State of Sd. Treasury before the Next Court of Gen'l sessions of the peace to be holden at York for Said county per adjournm't on the 14th day of may Next.

Abel Moulton appearing to answer to his being accused of being guilty of the Act of Fornication w'th Elianor Moulton his now wife. She alleaging at the Last Court that he was the father of the child She then Stood presented for, the Sd. Abel Moulton pleads not guilty, there not being sufficient Evidences to convict him Its considered by the Court he pay Fees of Court: 14s. & be acquit'd.

Whereas Nath'l Garrish being chosen constable for Berwick he refusing to serve in sd. office. Order'd that he be had before the Next Court of Gen'l Sessions of the peace to be holden at York for Sd. county to give in his reasons if any he have, wherefore he refus'th to serve in Sd. Office.

Joseph Chadbourn appearing to answer to that whereas he was chosen constable of Berwick; & had refus'd to serve in Said office. It appearing to the Court that he was not Legally chosen, Its considered he be dismiss paying Fees of Court. 5s.

Grindall Knight appearing to answer to that whereas he was chosen constable of Berwick, & had refus'd to serve in Sd. Office, It appearing to the Court that he was not Legally chosen, its considered he be dismiss paying Fees

[Y. F. 1724-25, No. 1]

[On the outer fold:]

Choice of the Constables of Berwick

[Inside:]

At a Legal Town Meeting held at Berwick March the 16th 1723-24 and continued by

Ajournment till the next morning nine a Clock and then met. Voted Grindal Knight Constable for the year ensuing. And he refuses to Serve

Attest Humphry Chadbourn
Town Clerk

At a Legal Town Meeting held at Berwick March the 16th 1723-24 and continued by Ajournment till fryday the 20th of March Instant and then Met. Voted Nathaniel Gerrish Constable for the year Ensuing. And he refuses to Serve. Voted Joseph Chadbourn Constable for the Year Ensuing and he refuses to serve

Attest Humphry Chadbourn
Town Clerk]

John Clark resid't at Berwick in the Sd. county being committ'd by Charles Frost Esq'r one of his maj'tys Justices of the peace for Sd. county: for being charg'd to be the father of a bast'd child begott'n and lately born of the body of Eliz'a Ingersol of Falmouth in the Sd. county as per the process & record appears, no one appearing to proscicute, Its considered by the Court that he pay costs: 37s6 and be discharg'd from his imprisonment.

[Y. F. 1724-25, No. 1]

[Clark was a soldier who had numerous scrapes with the law. The proceedings taken against him in this case are not unusual, except perhaps in that the complaint was filed by John Sawyer, Benjamin York and Benjamin Ingersoll, then selectmen of the town of Falmouth. Elizabeth was the daughter of Elisha Ingersoll, Benjamin's first cousin. (*Gen. Dict. Me. & N. H.*, 367-369.) At the hearing before Justice Frost, 6 April, Clark refused bail and was delivered over to the keeper of the county jail. From the record, it is clear that he remained there until discharged by the Court. At most he had only an overnight sojourn there, as this Court sat the next day, April 7.]

Jo's Curtis & John Niccolson being bound over to this Court by Jo's Hammond Esq'r one of his maj'tys Justices of the peace for Sd. county, Curtis for his abusive carriage to his Serv't Niccolson; & Niccolsons absenting him Selfe from his Sd. masters Service; Its considered by the Court that they both be Admonesh'd, & that the Sd. Jo's Curtis pay Fees of Court—36s 8d.

[7:73; *page not numbered.*]

Ordered that the Clerk of this Court be forthwith direct'd to Send warrants to the Several Towns to the Estw'd of York that they proceed in their Usual way to [*word lined out.*] the choice of Grand Jury men for this present year; the former warrants miscarying; and that they attend the Court of Gen'l Sessions of the peace on the 14th day of may Next at ten of the clock in the forenoon at York aforesaid. Untill w'ch time this Court Adjourns.

The presentments made by the Grand inquest to this Court are as followeth vizt

Bathsheba Lydston of Kittery for fornication

Deborah Spencer of York for fornication

Eliz'a Rose in York for not frequenting the Publick worship of God

JOHN SAYWARD foreman

ANNO REGNI REGIS GEORGII DECIMO

At a Court of Gen'l Sessions of the peace holden at York for Sd. county of York per Adjournm't on the 14th day of may, 1724

Present John Wheelwright, Charles Frost & Jo's Hammond Esq'rs.

These of the grand inquest⁴⁹ for the year Ensuing being Sworn to this Court are vizt

Nath'l Tarebox, Jon'a Littlefeild, George Jacobs, Nath'l Clark.

Mr. Joseph Moodey chosen Regist'r of Deeds &c for this county & sworn in Court & bond given as the Law directs for the faithfull discharge of his Trust.

Ordered that Mr. Sheriff Leighton deliver to the abovesaid Jo's Moodey the records of deeds &c for Sd. county w'ch he had orders to take into his care at last april session.

Ordered that these of the grant inquest that Serv'd the year last past be paid one day more than formerly for Extraordinary occasion.

Sam'l Cash bro't before this Court for cursing & profaine swaring in the hearing of the Court, it appearing to the Court that he is drunk ordered that he Set in the Stocks one hower and be forthcoming in the morning. he appearing Its considered by the Court he pay a fine to the poor of the Town of York of 7s. & Fees of Court 15s.6 & Stands committ'd.

Sam'l Clark & Abiel Goodwin⁵⁰ present'd John Woodbridge for profaine swaring last monday night, he appearing Its considered by the Court he pay a fine to the poor of the Town of York of 5s. and Fees of Court 5s. & Stands comitt'd.

⁴⁹ For the other grand jurors, see *supra*, 144.

⁵⁰ Members of the grand jury. Clark was the foreman. They were probably presenting their host; the court usually sat at Woodbridge's house.

[7:74]

ANNO REGNI REGIS GEORGII DECIMO

At a Court of Gen'l sessions of the peace holden at York for
and within the county of York July 7th: 1724.

Pres't John Wheelwright, Charles Frost, Jo's Hammond,
Sam'l Moodey, Jo's Hill, Wm Pepperell Jun'r & Sam'l Came
Esq'rs.

The grand inquest are as follow'th vizt

Sam'l Clark Foreman	Sam'l Shory	Sam'l Savery
Abiel Goodwin	Peter Stone	Tho's Goodwin
Zachi's Trafton	Gowen Willson	Jon'a Littlefeild
Zebulon Preble	Diamond Sergeant	George Jacobs
		Nath'l Clark

Ordered that the above Jury men be paid for one day Extreordinary
Service being detain'd by order of Sd. Court.

The comitte appoint'd in april Court last to Examin the Acco't of
Abraham Preble Esq'r dec'd Late treasur'r of Sd. county (w'ch relat'd
to the treasurey) who is indebt'd to the Sd. county as the Sd. committee
has Stat'd the acco'ts Sixteen pounds 8s, 2, besids fifty pounds Last
ordered to be rais'd on Sd. county & comitt'd to sd Preble, and it not
appearing to the committee by his books that he had receiv'd of the
Several constables the Sd. fifty pounds. Therefore ordered that the
present treasur'r for our Sd. county Notifye the Sever'l constables for
the year 1723 to whom the last county tax was comitt'd, that they pro-
douce their rece'ts for what part of the tax they paid the Sd. Preble, &
Issue their Acco'ts of the whole w'th our new present Treasur'r & that
he lay the Estate of the Treasurey before the Next sessions.

[Y. F. 1724-1725, No. 5]

[Papers from the files illustrating the investigation into the accounts of Abraham Preble, Esq., Treasurer of the County of York until his death, 14 March 1723-4.]

[1] [A copy of the order of the Court of General Sessions of the Peace 7 April 1724, establishing a committee to examine the accounts of Abraham Preble, Esq., late Sheriff of the County of York.]

[2] *[On the outer fold:]*

County of York
Treasurer Accompt for the year 1722
June 1723

[The inside of a large, folded piece of paper:]

The Account of Abram: Preble Treasurer of the County of York in the year 1722 from aprill the 3[rd] to aprill the second 1723: both debt and Cre't Paymen[ts] per order of Court

The County of York	Dr	lb	s	d
Paid to Mr John Lighton in Part of a Note from for Service don for sd County in the year 1721 per order		7	12	—
Paid My Selfe Seventeen Pounds six Shilling and ten pence for so much Paid out More than I Reseaved in the yeare 1722 as per accoumpt		17	6	10
Paid: to sundry Gran Juriors that served at the Gen'll Sessions in the year 1721		12	—	—
Paid to the Granjuriors that served at the Superior Court in the yeare 1722		4	13	—
Paid the bell man six shillings Making out Warrants for a County tax in the year 1722 and sending them to the severall Towns, Twenty four Shillings Cop[y]ing the Warants 10s		1	14	—
Money out Standing in Severall Constables hands att this day, thirty six pounds and Eight Shillings		36	8	—
Paid to sundry Juriors that weare outstanding in the yeare 1719: & 1720 36s		1	16	—
for Reseaving in & paying out three pound fifteen shillings		3	15	—
Paid to Mr Abiel Goodwin for Repairing the Goul [sic]			15	
Money in My hands, Twenty Eight Pounds, ten Shilling and two pence		28	10	2
		£114	10	—

A Just and tru accoumpt Errors Excsepted

Abram: Preble

[On the right (credit) side of the large sheet:]

Per Cr'd to the County of York	lb	s	d
by money out Standing in the Severall Constables hands when the Last accoumpt was made up in aprill the 2nd 1722, sixty four pounds & ten Shilling	64	10	—
By a county Tax Made in the year 1722: fifty Pounds	50	—	—
	114	10	—

York Ss. at a Court of Gen'l Sessions of the peace holden at York: April: 2d 1723 . . . The foregoing Acco't was presented by Abraham Preble Esq'r Treasurer of the sd County, was Exam'd & Allow'd in Court

Attest Wm Pepperrell Cler

[3] [On the outer fold:]

The Committees report,
who was Appointed
to Examin the Late Treasurers
acco't for the county of York.

[Inside: Left column]

DR

To money he charges in the Acco't given in to the Gen'l Sessions of the peace 2d april: 1723: for money outstanding in Sever'll constables hands	36	:	8	:	—
--	----	---	---	---	---

To ballance then due to the county by his Acco't present'd to sd Sessions

28 : 10 : 2

£64 : 18 : 2

To money that was ordered by the Court of Gen'l Sessions of the peace the 2d July 1723 to be paid to the sd Treasurer by the first of January 1723-4

50 : - : -

[3] [*Inside: right column.*]

CR

By paid the Sever'l grand Jury & Constable that Serv'd at the Court of Gen'l Sessions of the peace in the year: 1722 w'ch appears to be paid Since he present'd sd Acco't to sd Sessions

20 : 2 : -

By paid John Leighton Esqu'r Sheriff of our sd county of York for his Service in attending on the Super'r Court 2 years when Adjourned from York to Kittery as appears per order of the Super'r Court in May 1723

- : 10 : -

By ditto paid Benj'a Stone for toling the bell for the Use of sd Court for 2 years

- : 10 : -

by acco't we find for cash paid John Leighton Esqu'r bears date 16th april 1723 for service formerly don for sd county

22 : 18 : -

By paid Benj'a Stone prison keeper for keeping pearce Shortwell a poor prison[er] 33 weeks & for prison Fees as app'rs per order from the sd Sessions 2 July 1723

4 : 10 : -

£48 : 10 : -

Pursuant to the order of the Court of Gen'l Sessions of the peace holden at York for Said county April 7th 1724

We met at the house of Abraham Preble, Esq'r late Treasurer of the county of York dec'd, & proceeded to Examin the Acco'ts of the sd dec'd relating to the Treasury. We find by the acco't he presented & was allow'd by the Court of Gen'l Sessions of the peace held at York for sd county 2nd april 1723 that there was then in his hands of sd countys money to ballance £28: 10: 2d as Likewise £36: 8: -d he then mention'd in Several constables hands but we cannot find by any of his books or papers where he has receiv'd sd money or in what constables hands it was in; we find Likewise that there was an order of the Court of Gen'l Sessions of the peace held at York for sd county July 2d 1723 for Fifty pounds to be Assess'd on the Inhab'ts of York, Kittery, Berwick & Wells to be paid into the county Treasury by the first of January last past; w'ch [we] cannot find what contables it was committed to, or what of it is outstanding in their hands. We find by Sever'l rec'ts that the sd Abra'm Preble Esqu'r had pay'd as above mention'd since his sd Acco't was presented at the aforesd Sessions

May: 8th: 1724:

[Signed:]

Joseph Sayward
 Samuel Came
 Benj'a Stone
 Wm Pepperrell Jr.

[The report above was written by William Pepperrell, Jr.]

Susannah Greens petition present'd to this Court praying that She

might have sum releife from her son Daniel. Its considered that Daniel Green be Serv'd with a copy of Sd. petition and that he appear at the next Court of Gen'l Sessions of the peace for Sd. county to Shew cause if any he have, wherefore the prayer of Sd. petition should not be grant'd.

Daniel Paul Jun'rs bonds being continu'd to this Court for being suspect'd to be the father of a bast'd child begotten on the body of Bathsheba Lydston, She appearing in Court face to face & made oath that the Sd. Daniel Paul Jun'r was the father of Sd. child; Its therefore considered by the Court that the Sd. Daniel Paul Jun'r pay to the Sd. Bathsheba Lydston towards the maintenance of Sd. child two Shillings & Six pence per week from the birth of Sd. child during this Courts pleasure & pay Fees of Court 44 s. and Stands committ'd untill he geet suretys to perform the Same.

Thomas Harris being bro't before this Court for cohabiting w'th Mary Duly by comp'lt of the rever'd Mr. Hugh Henry, no Evid'ce appearing, Its considered he be Acquit'd paying costs 22s6.

[7:75]

John Leighton of york appearing to answer to his being guilty of the Act of Fornication w'th Hannah his now wife, he Owing the fact, Its considered by the Court that he receive Seven Strips on his nak'd back at the post & pay Fees of Court: 7s: Or that he pay a fine to the King of 30s. & Fees as aforesd. & Stands committ'd.

Deborah Spencer appearing to answer her presentment for Fornication She owning the fact: & being the Second conviction for the Same fault Its considered by the Court that She receive ten Strips on her nak'd back at the post & pay Fees of Court 7s: or that She pay a fine to the King of 50s. & Fees as aforesd. & Stands committ'd. The Sd. Deborah Spencer maketh Oath that James Rankins is the father of Sd. child order'd that there goo out a process for the apprehending the Sd. James Rankins so that he may be had at the Next term.

Eliz'a Rose appearing to answer her presentment for not attending the publick worship of god & being thereof convict'd Its considered by the Court that She pay a fine to the poor of the Town of York of 20s. & Fees of Court 7s & Stands committ'd.

Nath'l Gerrish being summon'd to this Court to give in his reasons why he refus'd to make oath to his office being chosen constable of Berwick he sending to this Court that he was not able to com; & desir'd

that it might be continu'd untill the next term. Its considered that his request be grant'd.

[Y. F. 1724-1725, No. 3]

[*Outside:*]

To the Honn'ble John Wheelwright Esq'r
att York

[*Inside:*]

Burwick July the 7 1724

Last Night I received a summon to apear before your Honnors this Day to Give reason why I refus'd the Oath of a Cunstabell. Nowe May it pleaz yo'r Honnors az I had not Maj' Vote by a Considrabel Number I hope yo will See Cause to dismiss Me from this Complaint aledg against me

I do acknolgg It my Dutey to Apear before yo'r Honnors this day but not being well so Cold not Rid so far to beg yo'r Honnors pardon and pray If the reason I have given Is not sufficiant that yor Honours Would Contenue the Complaint in Next Court, by that time I hope I shall bee in A Capasitee to Weighten on yor Honnours

To the Hona'b
Judges of the Inferior
Cort att York

Yr Obedient Servant

Nath'a Gerrish]

James Parker being bound over to this Court by Sam'l Moodey Esq'r one of his maj'tys Justices of the peace for Sd. county, for Selling Strong drink without Lisence; as appears by his recogniz'ce baring date the 25th day of april Last wherein he Acknowledges him Selfe indebted to our sovereign Lord the King in the Sum of twenty pounds; that he would app'r at this Court; he being call'd & not appearing. Its considered by the Court that a writ of Scire facias Issue out of the Clerks office ag'st the Sd. James Parker for his appeareance at Octob'r Sessions next & to Shew cause if any he have wherefore a warrant of distress ought not to goo forth ag'st him for the Sd. Twenty pounds forfit'd for his non appeareance.

Thomas Newmans petition present'd to this Court, praying that the Former process ag'st Rob't Poor, Wm Rogers &c might be revived; the Said petition read & dismist.

Sam'l Came coroner of the county of Yorks; (for Fees & charges on an Inquisition taken on the body of a certain person found dead at York, 31st may Last) present'd his Acco't am't to the Sum of £ 4''16''8d w'ch Acco't was read & allow'd & ordered that the county treasur'r be direct'd to pay the Sum of £4''16''8 with two Shillings for the Clerks Fees w'ch is in full discharge of Said Acco't.

[Y. F. 1724-1725, No. 5.]

[*Outside fold:*] Sam'l Came
Corroners Acco't.

York Ss Mr Sam'll Cames Bill of Cost
 one An Inquisition taken
 one the body of a Certain Person
 being found Dead May 31st: 1724

To the Corroners Feese	0 : 16 : 8
To the Constables Feese	0 : 18 : 0
To Summonsing Two Evidences	0 : 2 : 0
To 18 Jurymen There feese	1 : 16 : 0
To Two Evidences	0 : 4 : 0
To Feunerall Charge	1 : 0 : 0
	<hr/> £4 : 16 : 8

York Ss July: 7th : 1724

The above acco't was presented before the Justices of the Court [of] Gen'l Sessions of the peace. . . . was read & allow'd & ordered that the County Treasurer be directed to pay the sd Sum of £4:16:8 w'th 2s for the Clerks Fee

Attest'd
Wm Pepperrell Cler

[*On the same paper:*]

York Ss

An Inquisition Indented Taken att York within the said County of York May 31: 1724 in the tenth year of his Maj'ts Reign &a before Sam'll Came Gent'm one of the Corroners of our Said Lord the King within the County of York a foresd upon the view of the body of a certain man there Lying Dead by the Oaths of Jos. Molton, Thimothy Woster, Biall Goodin, James Starrall [or Starratt] Jun'r, Nath'll Whittney, Benjamin Grant, Benj. Pettingell, John Backer, Sam'll Sewell, Sam'll Milbery, Jos: Hall, Benjamin Knight, Thomas Attkings, William Denney, Rich'd Steward, John Stickney, Jonathan Been, Wm Grene, good & Lawfull men of york afore said within the County aforesd, who being Charged & Sworn to Inquire for our Said Lord the King when & by what Means the Said person Came to his Death upon there Oathes do Say that on the fourteenth Day of May Thay See a Float Sink with Two men & a Boy in her one of the men was Drowned & to the Best of our Knowledge this is the man which is Now one the Shore Dead and Wee find that by Mischance the watter was the Case of his Death

[*signed:*] Sam'll Came Coroner]

[7:76]

Liscence is granted by this Court to the Several persons following to [*be*] Taverners & retailers the year Ensuing

For the Town of Kittery. Nich'o Morrell, Benj'a Welch, Nath'l Keen, Sarah Hix, Paul Wentworth, Benj'a March, Mary Staple, James Chad-born, Robert Mitchel, Roger Mitchel, Jo's Curttis and George Berry & Wm Pepperrell Esq'r to retaile.

For the Town of York. John Stover, Mary Preble, Benj'a Stone &

Nath'l Donnall

For the Town of Wells. John Wells & John Storer

For the Town of Berwick. Jo's Abbit, Moses Hubbard, & James Frost

For the Town of Arrundell, John Watson

For the Town of Biddiford Sam'l Jording to retaile

For the Town of Falmouth Dominicus Jording, Rich'd Collar & John Sayer & Sam'l Moodey Esq'r to retaile

Presentm'ts made by the grand inquest to this Court are as followeth vizt.

Patience Hubbard the reput'd wife of Wm Card for fornication.

Peter Mathes for profaine swaring & cursing

Alexsander Mackgown for cursing

Kittery for not being provid'd with a School master.

SAM'L CLARK Foreman

ANNO REGNI REGIS GEORGII UNDECIMO

at a Court of Gen'l Sessions of the peace holden at York for
& within the county of York Octob'r 6th 1724

present John Wheelwright, Charles Frost, Jo's Hamond,
Wm Pepperell Jun'r and Sam'll Came Esq'rs.

The Grand inquest are as follow'th vizt

Sam'l Clark Foreman
Abiel Goodwin
Zaci's Trafton
Zebulon Preble
Sam'l Shory

Peter Staple
Gowan Willson
Diamond Sergeant
Sam'l Savery
Tho's Goodwin

Nath'l Tarebox
Jona Littlefeild
Nath'l Clark
Geo: Jacobs

William Card of York in our Sd. county Enter'd into recogniz'ce on the 15th day of Sept'r last in the sum of two pounds payable to our Sovereign Lord the King &c with Conditions under writen that if Peter Marthous [Matthews?] Should appear at the next Court of Gen'l Sessions of the peace to be holden at York for Sd county on the first Tuesday of Octob'r then next & there abide the sentence of Sd. Court (he being present'd for profaine Swaring & cursing) then the above recogniz'ce to be Void, but the Sd. Peter Marthous [*sic*] being call'd & not appearing Its considered by the Court that a writ of Scire facias Issue out of the Clerks office ag'st the Sd. Marthous, & Card for their appeareance at January Sessions next, and to Shew cause if any they have wherefore a warr'tt of distress ought not to goo forth against them

for the two pounds forfeit'd for the Sd. Peter Marthous's non appearance.

[7:77]

James Staratt of York in our Sd. county of York did Enter into recogniz'ce on the 15th day of Sept'r Last in the sum of Ten pounds, that Alexander Macgown Should appeare at this Court & there to answer to the presentment of the grand Jury w'ch was Exhibited against him for cursing & that he should there Stand & abide the Sentence of Sd. court. The Sd. Macgown being call'd & not appearing, Its considered by the Court that a writ [of] Scire facias Issue out of the Clerks office ag'st the Sd. Alexander Macgown & James Staratt for their appearance at January Sessions next & to Shew cause if any they have wherefore a warr'tt of distress ought not to goo forth ag'st them for the Ten pounds forfeit'd for the Sd. Alexander Macgowns non appearance.

Patience Hubbard the reput'd wife of Wm Card appearing to answer her presentment for fornication. She owning the fact & declares that the child w'ch was lately born of her w'ch [*she*] now Stands present'd for is Wm Cards child who is now her husband; Its considered by the Court that She receive Seven Strips on her nak'd back at the post & pay fees of Court. 7s. or that She pay a fine to the King of 30s & fees as aforesaid & Stands comitt'd.

Wm Card likewise appeared & own'd the fact. Its considered by the Court that he receive Seven Strips on his nak'd back at the post and pay Fees of Court 5s. or that he pay a fine to the King of 30s and Fees as aforeSd. & Stands comitt'd.

Charles Frost Esq'r, John Denneet [Dennett], John Tompson, Rich'd Gowel & Ebenezer More Sellectmen of the Town of Kittery, appearing to answer their Towns presentm't for want of a School master; it appearing to this Court that the Sd. Town had vot'd that their representative should procouer a School master, & the Sellectmen neglecting sending the Vote to Sd. representative, but promissing for the fut'r that their Town should be provided its considered by the Court that they be acquitt'd paying costs 13s.

Charles Frost Esq'r, John Denneet, John Tompson, Rich'd Gowel & Ebenezer More Sellectmen of the Town of Kittery appearing to answer their Towns presentm't for want of sufficient high ways from Maj'r Frosts to Curtis uper way & from the country rode to the landing place call'd the Sedars, they promissing to take Effecttual care that

their ways Should be mended, its considered by the Court they be acquitt'd paying Fees of Court 5s.

Cap't Nath'l Gerrish appearing to answer his refusing to serve as Constable he being chosen for the Town of Berwick, it appearing to this Court that he had ben in Commission; Its therefore considered he be acquit'd pay Fees of Court 9s6.

Whereas a writ of Scire facias was Issued out of the Clerks office for James Parkers appeareance to this Court & the Sheriff not able to serve it because of the warrs, Its therefore considered that the Sd. writ Still continue for his appeareance at the Next session, to be holden at York for Sd. county on the first Tuesday of January next.

Daniel Green appearing to answer his mother Susannah Greens Petition She praying that She might have sum releife from her son Daniel as per the petition on file appears. Ordered that the Said Daniel Green take care that his Sd. mother be comfortably supported and that he take into his hands what Estate properly belongs to her & that he pay Fees of Court 9s 6.

[7:78]

Sam'l Came Esq'r, Joseph Seward & James Allien Sellectmen of the Town of York appearing to answer their Towns presentment to the Court for want of Sufficent high ways as per Sd. presentm't; they promissing to take Effecttual care that those ways Shall be made Sufficent Its considered they be Acquit'd paying Fees of Court 5s.

Whereas Joseph Seward, Benj'a Stone, Daniel Simson, Cap't Sam'l Came, & Cap't William Pepperrell being appoint'd a comittee to Examine the Acco'ts of Abraham Preble Esq'r (dec'd late treasur'r of our Sd. county) w'ch relates to the Treasurey who was two days Each in Examening Sd. acco'ts, Its therefore ordered by this Court that the county Treasur'r be direct'd to pay the Sd. comittee three Pounds w'ch is in full discharge for their Sd. service.

Ordered that three pounds be paid out of the county Treasury to John Woodbridge for the Use of his house to hold the Courts in & for Sd. county for the time past, w'ch is in full Sattisfaction thereof.

[Y. F. 1722 No. 4]

To the Hon'ble the Judges of his Maj'tys Sup'r Court of Judicature &c. Now Sitting at York within & for the County of York &c

The Petition of John Woodbridge of York afforesd
In holder
Most Humbly Sheweth.

That your Petitioner has been at a very Considerable Expence in Accomidating the Hon'ble Judges of the Inf'r Court of Common pleas & the Justices of the Sessions at Such times & Seasons at w'ch the Extremity of the weather will not permitt their holding of Courte in any other house not only by his own [*illeg.*] his Domesticks diligent Attendance but in supplying fire & other [*illeg.*] that your Petitioner never yet have received any recompence but has been a Considerable Sufferer & has Exerted himself in his sd Duty further than his Circumstances really would permitt w'ch is the true reason why your Petitioner can't so well Entertain your Honours as his Inclinations lead him

It's therefore pray'd your Honours will take the premisses into your Consideration & make an Order that your Petitioner may have out of the County Treasury Such a Summ as in your honours wisdom Shall Seem Meet or that the Same may be recommended to the Sessions for the sd County or that [*illeg.*] any other or further Satisfaction [*illeg.*] agreeable to your Honours & as in duty will pray &c

John Woodbridge]

Lisence is granted to John Woodbridge to keep a house of Entertainment Untill July next.

Presentm'ts made by the Grand Inquest to this Court are as followeth vizt.

York: For defishency vizt. from the high way from decon Arthur Bragdon to Berwick from York to Kittery by the uper ferey upon the northEast & the South west side from Little river to Cape Neddeck

Kittery: from Maj'r Frost to Curtis uper way difishent from the country rode to the landing call'd the Ceders & for not being provided w'th a gram'r School

Thomas Misseet & wife for neglecting the publick worship of God
Wells: John Eldridge for profaine cursing

Berwick: Mary Lord now the reput'd wife of Ebenezer Gray—for Fornication

SAM'L CLARKE Foreman

ANNO REGNI REGIS GEORGII UNDECIMO

At a Court of Gen'l sessions of the peace holden at York for & within the county of York, Janu'a 5th 1724/5

Present John Wheelwright, Jo's Hamond, Sam'l Moodey, John Penhallow, Jo's Hill, Wm Pepperrell Jun'r & Sam'l Came Esq'rs.

The Grand inquest are as followeth vizt

Sam'l Clark Foreman
Abiel Goodwin
Zachi's Trafton
Zebulon Preble
Sam'l Shorey

Peter Staple
Nath'l Clark
Gowen Willson
Diamond Sergant
Sam'l Savery

Tho's Gooding
Nath'l Tarebox
Jon'a Littlefeild
George Jacobs

William Card being bro't to this Court by a writ of Scire facias to Shew cause why he Should not pay the forfeiture of his bond, forfeit'd in Octob'r Court last for Peter Mathouses non appeareance. The Sd. Wm Card Shewing no cause to the contrary Its considered by the Court that he pay the forfeiture of the bond to our Sovereign Lord the King of forty Shillings & Fees of Court 12s: & Stands comitt'd untill Sentence perform'd.

Ordered that the writ of Scire facias be Still continu'd ag'st James Parker for his appeareance at April Session next.

[7:79]

Whereas James Staratt being bro't to this Court by a writ of Scire facias to Shew cause wherefore he ought not to pay the forfeiture of his recogniz'ce forfeit'd for Alexander Macgowns not appearing at the Court of Gen'l Sessions of the peace holden at York the first Tuesday of Octob'r last he making Excuse that the Sd. Macgown was sent away by his officer &c. Its considered that the Sd. James Staratt be acquitt'd of his bond paying Fees of Court 12s.

Thomas Mosseet & wife present'd for not attending the Publick worship of god, the Sd. Thomas appearing & giving Sattisfact'ry reasons to this Court its considered he be acquitted paying Fees of Court 7s; he making Excuse to this Court that his wife is an aged woman & not well & the distance he lives from this Court, Its considered that She answer her presentm't before Jo's Hamond Esq'r one of his Maj'tys Justices of the peace for Sd. county and that he make report thereon at April sessions next.

The Execut'x of John Leighton Esq'r Late Sheriff of the Sd. county of York (dec'd) having present'd his Sheriffs Acco't to this Court amounting to the Sum of twenty Eight pounds fiveteen Shillins & Eight pence w'ch acco't was allow'd & ordered that the county Treasur'r be directed to pay the Sd. Sum of the Sd. Execut'x in full discharge of Sd. sheriffs Acco't.

Ordered that Wm Pepperrell Jun'r & Sam'l Came Esq'rs be a committee to Examine what fines the Late Sheriff Leighton receiv'd for our Sovereign Lord the King & how discharg'd him Selfe of them & make report thereon at the Next Court of Gen'l sessions of the peace to be holden at York for Sd. county on the first Tuesday in april next.

Jere'm. Moulton Esq'r Sheriff of Sd. county gave bond w'th suretys to the Value of five hundred pounds for the faithfull discharge of his Trust.

William Leighton chosen one of the commissioners for the hundred thous'd pounds loan money & sworn in Court.

Whereas Paul Wentworth of Kittery was sumoned to this Court to answer to his unreasonable demand on Leiu't John Dennis for billeting fourteen soldiers in Sept'r last, It appearing to this Court that he had receiv'd of the Sd. Dennis twenty five Shillings, when he ought according to the Establishment to have receiv'd but fourteen Shillings, Its considered that the Sd. Wentworth pay to the Sheriff of this county Eleven Shillings who is to be Accountable to the Treasur'r of this Province or to whome the money is due, and that he be Admonish'd & pay Fees of Court 6s. & Stands committ'd untill Sentence perform'd.

Presentments made by the grand inquest to this Court are as follow'th vizt

York: Mary Junkings the reput'd wife of John Carlile for Fornication

Sarah Batton the reput'd wife of Ebenezer Young for Fornication

Abigail Stover the wife of John Stover for neglecting the Publick worship of God

Wells: Sam'l Littlefeild for neglecting the Publick worship of God

Noah Willson for neglecting the Publick worship of God

Hannah Eldridge the wife of John Eldridge for neglecting the Public worship of God

For want of a Sufficient bridge over the mill river by Joseph Littlefeild:

[7:80]

Kittery: Sarah Hill for fornication

Sarah Bredcane the reput'd wife of Nath'l Hoper For Fornication

[The Town of Kittery] For not being provided w'th a School master

John Woodman Sen'r for being Drunk

John Catter for neglecting the publick worship of God

Peter Whittom & wife for neglecting the publick worship of God

Peter Whittom Jun'r & wife for neglecting the publick worship of God

John Whittom & wife for neglecting the publick worship of God

Daniel Whittom & wife for neglecting the publick worship of God

Ichobod Whittom for neglecting the public worship of God

Berwick: Daniel Grant for neglecting the publick worship of God

Biddiford: John Stackpole for braking the peace in Striking.

SAM'L CLARKE Foreman

ANNO REGNI REGIS GEORGII UNDECIMO

At a Court of Gen'l Sessions of the peace holden at York for
& within the county of York. April 6th 1725:

present John Wheelwright, Jo's Hammond, Sam'l Moodey,
Sam'l Plaisted, Joseph Hill, William Pepperrell Jun'r & Sam'l
Came Esq'rs

The grand inquest are as followeth vizt

Sam'l Clark Foreman	Peter Staple	Jon'a Littlefeild
Zachi's Trafton	Gowen Willson	George Jacobs
Zebulon Preble	Diamond Sergent	Nath'l Clark
Abiel Goodwin	Tho's Goodwin	Nath'l Tarebox

The grand inquest for the year Ensuing being sworn are as follow'th
vizt.

Jon'a Bane Foreman	John Furbish	Tho's Kilpatrick
Job Burnum	Sam'l Tobey	Benj's Hatch
Jo's Preble	Rich'd Rice	John Davis
Daniel Junkins	Clem't Dearing	Rob't Knight
Ralph Farnum	Josiah Winn	Ethrington Hearl

whereas Sam'l Shorey & Sam'l Savery two of the former grand in-
quest [are] not attending their Duty at this Court; ordered that they be
sumon'd to the next to answer for their neglect.

The Petition of Several of the freholders & Inhabitants of the Town
of Kittery Showeth that whereas at a publick Town meeting held at
Kittery 31st march last several of the vot'rs for the choice of Town
officers, being not qualified by law to Vote in Town affairs; ordered
that the papers be comitt'd to the grand Jury the reporte of w'ch is as
followeth vizt

We the grand inquest for the body of the county of York find the
compl't within written against the persons hereafter named & accord-
ingly present them for breach of law—Benj'a Welch, Simeon Emery,
John Neal, Francis Allen, Jun'r, David Sawyer, Rich'd Thoral, Thomas
Mezeet

bro't in by SAM'L CLARK Foreman

[Y. F. 1724-1725, No. 6]

[1] To the Hon'ble his Maj'tys Justices of the Court of Gen'l Sessions of the peace
Sitting at York for the County of York April 6th 1725

The Humble Petition & Compl't of the Subscribers being freeholders and Inhabitants
of the Town of Kittery in the sd County

Sheweth

That whereas at a Public Town meeting held at Kittery on the 31st of march last past for the Choyce of Town officers the Severall Persons hereafter named being not Quallified by Law to vote in Town affares did presume to vote in the sd meeting whereby the good Intent of the Law is Eluded & his Maj'tys good subjects thereby Obstructed in their free priviledges and just rights and the Choyce at sd meeting rendred of none Effect to the Disturbance of the publick peace of sd Town and of their Quiet Rule & Government according to Law, We therefore Humbly Pray that your Honours would be pleased to Cause the sd persons to be presented for their sd offence and that the Evidences Concerning the same may be Comitted to the Grand Inquest in order to their Conviction or otherwise as in your Honours wisdom shall seem meet and your Petitioners as in duty bound shall Pray &ca

Thomas Hanscom

his

Daniel ~~X~~ green
mark

Thomas Cutt

John Rogers

Joseph Hammond jun'r

Tobias Leighton

Clementt Dearing

George bery

John Hix [?]

Roger Mitchel

Rich'd Cutt Jn'r

Richard Mitchel

Daniel Fogg

James Staple

Daniel Fogg Jun'r

Wm Leighton

Peter Staple

John Addams

Robert Cutt

Hercules Farnald

Jon'a Dam [?]

Thom: Trickey [?]

Joseph Gunnison

The Persons not Quallified as aforesd are Benj'a Welch, Simon Emery, John Neal, Francis Allen Jun'r, David Sawyer, Richard Thurrell, Thomas Museet, Paul Williams, Enoch Huchins, John Norton

[2] [*The list of persons voting at Kittery town meeting 31 March 1725. The names of the accused men are marked by the editor with an asterisk.**]

Benj'a Gold

Thomas Spenny

Rich'd Cutt

James Chadborn

Tho's Weed

Zebulon Trickey

Benj'a Welch*

Nich'o Shapleigh

Jo's Hill

Eb Denneett

James Davis

Nath'l Fernald

Simon Emery*

Rich'd Gowell

Tho's Night

John Turbish

John Staple

John Morrell

John Tompson

John Frost

John Morrell

Nathan Bartlet

Jacob Remech Jun'r

John Neale*

John Denneet

Tim'o Waymouth

[*End of column 1.*]

Jacob Remech

Daniel Green

Jo's Curtice

Roger Mitchel

Rich'd Cutt Jun'r

Jon'a Nason

Joshua Remech

Peter Dickson

Jo's Hammond Esq'r

And'w Spinny

Jo's Weeks

Tim'o Gerrish

Tho's Cutt

Robert Mitchel

Gowen Wilson

Herculis Fernald

Cap't Heard

Peter Lewis

Sam'l Fernald

Daniel Turbish

Rich'd Cheek

James Staple

And'w Neale

John Walker

Wm Fry

Tho's Jenkins

Rob't Cutt

Tho's Mogridge

John Nortten*

James Spinny

James Fernald

[*End of column 2.*]

John Adams

Rich'd Mitchel

Paul Williams*

Christ'o Mitchel

Benj'a Stayce [?]	John Shepard	Sam'l Johnson
Abra'm Crose [Cross]	John Lydston	Moses Hanscom
Jo' Mitchel	Jon'a Dam	Decon [?] Fernald
John Spinny	John Paul	Wm Gowell
Sam'l Ford	James Webber	[End of column 4.]
John Whitteny	Sam'l Tetherly	Tobias Leighton
Benj'a Hill	Daniel Fogg Jun'r	John Mogridge
Daniel Fogg	[End of column 3.]	Sam'l Hill
Benj'a Fernald	Andrew Brown	Francis Pettegrove
Francis Allen Jun'r*	Nath'l Chapman	Nath'l Cane
Jo's Billing	Rich'd Rogers	Tho's Fernald
Wm Tetherly	Alexsander Forgison	Daniel Furbish Jun'r
Jo's Gold	John Leighton	Thos Hutchins
Stephen Tobee	Elihu Gunison	Wm Leighton
David Sawyer*	John Shapleigh	Jo's Small
John More	Tho's Hanscom	Daniel Forgison
Rich'd King	Sam'l Hill	Sam'l Libby
Wm Tucker	Jo's Hammond Jun'r	John Hearl
John Monson	Mathew Libby	Runel [?] Jenkins
John Rogers	Jo's Crocket	Benj'a Hamonds
Charles Frost	Peter Staple	[End of column 5.]

March 31st 1725

The forgoing List are the names of the persons that put in their written Votes for the choice of Seselectmen this day for the year insuing

Attest —

Jos HammondWm Pepperrell Jun'r

Justices of Peace

[3] Nathaniel Fernald, One of the Constables of Kittery in the year 1724 being Sworn Saith that in a List of rates Committed to him to Collect in sd year being partly for the Province Tax & part for the Town the sd rate was made at five farthing on the pound & Each poll at Seven Shillings & four pence

The persons hereafter named were Set in sd List by the Selectmen or Assessors as follows Vizt.

	£s d
Paul Williams besides the poll	0 : 1 : 5

Benj'a Goold One of the Constables of Kittery in sd year being Sworn Saith that in the List for the Same Tax Comitted to him as aforesd the Severall persons hereafter named were Set as follows Vizt.

Benj'a Welch besides the poll	0 : 0 : 4
Simon Emery besides the poll	0 : 1 : 3
John Neal besides the poll	0 : 0 : 8
Francis Allen Jun'r besides the poll	0 : 1 : 5
David Sawyer besides the poll	0 : 1 : 3
Rich'd Thurrell besides the poll	0 : 0 : 5
Thomas Muzeet was not rated	
Either for Poll or Estate	0 : 0

Withers Berry one of the Constables of Kittery in sd year being Sworn Saith that in

the List for the Same Tax Comitted to him As Aforesd the Several persons hereafter named were Set as follows Vizt

Enoch Hutchins besides the poll	0 : 1 : 11
John Norton besides the poll	0 : 1 : 11

York Ss Aprill the 3d 1725, Taken upon Oath by the Constables Above named

Coram Jos Hammond J: Pacis

[The depositions that follow were evidently brought in to show the value of the accused men's estates.]

[4] The Deposition of James Davis & Benj'a Hill both of full age Testifyeth and Saith that Benj'a Welch has been in Possesstion of one Cow & one horse and one Mayr upwards of one year to this day and further Saith not

4th [?] July 1725

Sworn in Court Attest Charles Frost Cler

[5] The Deposition of Sam'l Johnson and Benj'a Hill both of full age Testifyeth and Saith that the Real Estate of Benj'a Welch is worth to the best of their Judgment the Sum of three pounds per Annum and has been in possession of sd Estate about Two Years and further Saith not.

York Ss July 6 1725 Sworn in Court Attest Charles Frost Cler

[6]⁵¹ The Deposition of Sam'l Hill Jun'r of full age, Testifyeth & Saith: that about: 22 Months past I this depon't sold Benj'a Welch one cow: w'ch he hath kept as his own proper Estate untill this day: as far as I do know or Understand: July: 2'd 1725

[signed:] Samuel Hill

York Ss: July 2'd 1725: Sam'l Hill appear'd before the Subscribers & made oath to the truth of all above written

[signed:] Wm Pepperrell Js pes

[signed:] Wm Pepperrell Jun'r J:peace

[7] Wee the Subscribers being desired by franses allen to give him our opinon of the worth or valey [*value*] of his rale Estate and wee Cannot valey his Rale Estate to be Les worth then Six pound a yeare, and wee all so do know that hee has 4 oxen 2 horses & Som other Craters

Nich'o Morrell

Sam'l Small

[Reverse:] York Ss July 6 1725

Sworn in Court Attest Charles Frost Cler

[8] The Deposition of John Furbush and William Gowen both of full age Testifyeth and Saith that they Doth know Richard Thurla to have one Yoak of Oxen one horse one Cow and nine Sheep and to have in his possession Ever since the first of January last past & further Saith not

York Ss July 6 1725 Sworn in Court Attest Charles Frost

[9] The Deposition of Sam'll Johnson & John Furbush both of full age Testifyeth and Saith that they knew Richard Thurla to be in possession of a Real Estate worth fifty Shillings per Annum to the best of their Judgm't and has been in possession of sd Estate upward of Eighteen Months

York Ss July 6 1725 Sworn in Court Attest Charles Frost Cler

⁵¹ This deposition is in the hand of the younger William Pepperrell, and is of particular interest as it contains the signatures of himself and his father as Justices of the Peace.

[10 *The jury's special verdict.*]

our Sovirin Lord the King Planttiv & Ben j m Welch & All the rast Defendants The Jury finds the Defandancs not guilty Exsept thar be a law that requiers a voter qualefide to Bring avidanc to the Towne meting that he is qualfied

Peter Nowel

[11] York Ss. at a Court of Gen'l Sessions of the [Peace] holden at York 6th July. 1725

Dominus Rex Complainant
vs
Benj'a Welch Def't.

Defend'ts Bill of cost, Vizt

The Attendance of Seven Defend'ts three days	
[illeg.] at 2s	2 - 2 - 0
Attorney	10
copie of four papers	5
Two evidences in each mans case, 2 days	1 - 8 - 0
To the Jury & Constable	14
Taxing	1
	<hr/>
	5 : 0 : 0

Exam'd by Charles Frost Cler

Cost Allowed five pounds

John Wheelwright

[12] York Ss

at his maj'ties Court of Generall Q'r Sessions of the Peace held at York for sd: County on the 6th day of July vizt

Dom: Rex
vs: Benj'a: Welch &tc the bill of Cost

To the Warr:t & Serving	- : 17 : 6
To attorneys fees	- : 10 : 0
To impanelling Jury	- : 12 :
To Evidences J. H: W:	- : 4 :
To the Compl'ts	- : 12 :
To Court fees	- : 7 :
To Taxing bill Cost	- : 1 :
To Copies & Constables fees before Maj'r Hammond &ct	- : 13 : 6
	<hr/>
	£3 : 17 : 0

Exam'd by Charles Frost Cler

Cost Allowed Three pounds seventene shillings

John Wheelwright]

[7:81]

Whereas Wm Pepperell Jun'r & Sam'l Came Esq'rs being appointed at Janu'a Court last to Examin & See what fines our late Sheriff Leigh-ton had receiv'd for our Sovereign Lord the King & how he had dis-charg'd him Selfe off them & they not making report to this Court: Ordered that they be hereby directed & impowered to Settel the

afores'd Acco't & make report to the next Court of Gen'l Sessions of the peace to be holden at York for Sd. county on the first Tuesday in July next.

Mary Junkins the reput'd wife of John Carlile appearing to answer her presentment for Fornication She owning the fact. Its considered by the Court that She receive Seven Strips on her nak'd back at the post & pay Fees of Court 7s. or that She pay a fine to the King of 30s. & Fees as aforesd. & Stands comitt'd.

John Carlile appeared in Court & own'd that he had been guilty of the Act of fornication w'th the above Sd. Mary his now wife. Its considered by the Court that he receive Seven Strips on his nak'd back at the post & pay Fees of Court 5s. or that he pay a fine to the King of 30s. & Fees as aforesd. & Stands comitt'd.

Sarah Batten the reput'd wife of Eb: Young appearing to answer her presentment for fornication She owning the fact Its considered by the Court that She receive seven Strips on her nak'd back at the post & pay Fees of Court 7s. or that She pay a fine to the King of 30s. & Fees as aforesd. & Stands committ'd.

Ebenezer Young appear'd in Court & own'd that he had ben guilty of the Act of fornication w'th the abovesd. Sarah Batten who is his now wife. Its considered by the Court that he receive Seven Strips on his nak'd back at the post & pay Fees of Court 5s. or that he pay a fine to the King of 30s. & Fees as aforesd. & Stands committ'd.

Abigail Stover being presented for not attending the public worship of God; She haveing sent a petition to this Court seting forth that She was not able to come to this Court to answer; ordered that it be heard before Jo's Hill Esq'r one of his Maj'tys [justices] of the peace for Sd. County, & that he make reporte thereon at the Next Court of Gen'l Sessions of the peace to be holden at York for Sd. county on the first Tuesday of July Next—Fees 7s.

John Cater appearing to answer his presentment for not attending the public worship of god. He owning the fact Its considered by the Court that he pay a fine to the poor of the Town of Kittery of 20s & Fees of Court: 7s. if unable to pay to Set in the Stocks one hower, w'ch he did.

Peter Whittom Jun'r appearing to answer his presentm't for not attending the public worship of god & being thereof convict'd Its considered by Court that he pay a fine to the poor of the Town of Kittery of 20s. & Fees of Court 7s. if unable to pay, to set in the stocks one hower, w'ch he did.

[7:82]

Lyd'a Whier appearing to answer to her having a bast'd child Lately born of her body, She owning the fact & mak'th oath in Court to Nath'l Abbitts face that he is the father of Sd. Child, Its considered by the Court that She receive Ten Strips on her nak'd back at the post & pay Fees of Court 7s. or that She pay a fine to the King of 50s. & Fees as aforesd. & Stands comitt'd.

Nath'l Abbit being bound over to this Court by Joseph Woodbridge Esq'r one of his Maj'tys Justices of the peace for the county of Essex for being the reput'd father of a bast'd child begotten on the body of Lyd'a Whier as per the process & record, She continuing constant in Sd. accusation & maketh oath in Court face to face that he is the father of Sd. child; Its therefore considered by the Court that he pay two Shillings & six pence per week to the Sd. Lyd'a Whier towards the maintenance of Sd. child from the birth of it During this Courts pleasure & pay Fees of Court: 12s. & Stands comitt'd untill he geet suretys to perform the Same.

Memorand'm Nath'l Abbit principle & Epherim [*sic.*] Abbit & Daniel Farnum Suretys Joyntly & Sever'ly Acknowledge them selves to be holden & Stand firmly bound & Oblig'd unto the Sellectmen or Over Seers of the poor of the Town of york in the penal Sum of fifty pounds to be paid to them or their Success'rs; The Condition of this recogniz'ce is Such that if the above bounded Nath'l Abbit Shall Observe & comply w'th the abovesd. order of Court & keep the Town of York free from any charge for Sd. childs maintenance then the above to be Void otherwise to remaine in full force &c.

John Dennett, Cap't Nich'o Shapleigh & John Tompson, Sellect'm of the Town of Kittery appearing to answer their Town's presentment for want of a Schoolmaster, it appearing to this Court that they had indeavored to get one, & promising that they would Use their utmost indeaver to be Supply'd with one as Soon as Possible Its considered they be acquitt'd paying Fees 13s.

Whereas the Constable of the Town of Biddiford call'd Sam'l Smith having a warrant to apprehend John Stackpole for brakeing the peace in Striking; who makes return on Sd. process that he did apprehend the Sd. Stackpole, but nither of them appearing; ordered that the process agst Stackpole be continu'd so that he may be had at the Next Court, as Likewise that the Sd. Sam'l Smith be sumon'd to the next Court to answer for his Sd. neglect of his office.

Sarah Breddcane, the reput'd wife of Nath'l Hooper appearing to answer her presentment for fornication She owning the fact & Say'th that the Sd. Nath'l Hooper is the father of the child & her husband; he likewise appeared in Court & own'd the fact, Its therefore considered by the Court that Each of them receive Seven Strips on their nak'd back at the post & pay Fees of Court 12s. or that they pay a fine to the King of 30s. Each & Fees as aforesd. & Stands comitt'd.

[7:83]

The rever'd Mr. Hugh Henry makeing a complaint to this Court that the Inhabitants of the Town of Scarborough hath not comply'd with their agreem't to him, nor allow'd him a Sufficient Mainten'ce. Ordered that the Sellectmen of Sd. Town be Serv'd with a copy of Sd. compl't and that they be directed to attend the Next Court of Gen'l Sessions of the peace for Sd. county to be holden at york the first Tuesday of July next. to answer to the Sd. complaint.

[1] [*Outer fold:*] Petition of the Town of
Scarbro 1723

[*Inside:*]

To the honourable William Dummer Esquire Liuetenant governour & commander in chief in and over his majesties province of the Massachusetts-bay in New England and to the honourable his majesties counsel and the general Assembly, the petition of the town of Scarborough the 23 day of jun 1723

humbly sheweth

That whereas your petitioners in on[e] of the Eastern frontire Settlements being exposed exceedingly to the rage of the Indians by whom they have suffered much, and are confined so that they can follow no employment for their own relife and sustinance, now are much impoverished: and although the few inhabitants that are left and have not fled from the place with others for safty, might shift for some sustinance by seking their bread with the peril of their lives because of the sword in the wilderness, yet are extremly discouraged to continue in, and others to come to the place for want of external encouragement and sustinance for a gospel minister to take care of their precious souls, and although by the good providence of God, your petitioners be provided with an able and faithful minister, Mr. Henry, bearer hereof, yet they must of necessity quit with him & that to their prejudice and grief by reason of the want of a mantinance for him and then they shall be utterly desolat of all publick gospel ordinances because there is no other gospel minister residing further east where Casco and several other settlements lyes desolat of the ordinances. And, before your petitioners utterly dispaire in this case they have judged it to be their duty to implore the sympathy of this worthy and honorabl court in these their pinching circumstances clamont [*claimant?*] for present relif in settling a benefice for their said pastor, that he may have a competency for his subsistence among them whither the inhabitants be few or many by your gracious act rateing all the lands granted or claimed in this town to the said effect, according to

the laudable custom of some other Christian nations, so that the poor inhabitants resident wrestling with insupportable difficulties to keep possession of the place may not be oppressed above measure by laying all the burden of the ministers maintenance on them alone, and others non resident having great estates in the town go free and not to touch their heavy burdens with one of their fingers.

May it therefore please this worthy and Honourable Court to take the premisses and distressed condition of your petitioners to serious consideration and to favour them by your gracious act authorising them or their select men to rate all the lands granted or claimed within their said town at a gross *[sic.]* 3ds or w't you please per acre for a constant benefice for their said pastor and his successors, and obliging the owners or claimers of the said lands to pay yearly the said benefice or stipend conform *[-ing]* to their said lands claimed by them, and that methods may be appointed to oblige recusants to pay, and that the date of first payment may comense as far back as possible because he can expect but very little by our ordinary rates for the last winter half year and that heavens remuneration may be your reward your petitioners shall ever pray

[Signed:] Roger Dearing
Nathan Knight
Job Burnum Selectmen

[2] The declaration of Mr. Hugh Henry minister of the gospel at Scarborough to their Town meeting holden at Blackpoint Garrison the 25 day of March 1725

Dear brethren and people of the Town of Scarborough, these are minding you that I coming from Britain to this land, providentially was sent to this place by the ministers of Boston, upon a petition they had received from your hands to send you a minister: and I coming to this place was received by you, and agreed with by your town meeting June 1722 so as it comes to Sixty Six pounds per annum, and hitherto I have resided and exercised my ministry among you, the generality of this people submitting thereto in the administration of the word and Sacraments. And I had also the petition of your Selectmen to the General Court to provide encouragement to continue among you, which the Court granted by their bounty, although not in the way we expected by rating the nonresident proprietors, and further agreement then that at first made betwixt us being delayed at your town meeting March 28 day 1723 till we should receive the Courts answer to our said petition that rates, as was hoped, might be made to my greater encouragement for the future, now these two years are run on since the said March 1723 unrated or paid by this Town to me: I therefore desire at this meeting this day, you now being met, would take the affair to serious consideration for the gospels encouragement among you, and this day to agree with me for the said two years past that I may be paid my maintenance due to me for the said two years, the which if you fail to do, I hereby crave and demand that within 48 hours you shall rate and appoint the present residents in this said town to pay to me with all possible expedition forty six pounds per annum for the said two years now past, as your use of payment conform to our said first agreement, I abating the Town twenty pounds per annum of sixty six foresaid upon the account of the Courts said bounty to me for your ease, which is twenty pounds per annum, and that this said Town shall intimate to me that they have done so within two days, to prevent a law suit for my said maintenance: the which if you shall fail to do I do hereby protest for all cost hurt and damage &c from this said town that a law suit for my said maintenance shall cause or occasion. And I do hereby declare my adherence to this my charge as a gospel minister in this said town of Scarborough to which I was orderly sent and received, till such times as my brethren the gospel ministers shall be consulted and their minds known in the affair, conform to the good order of all best reformed Churches, and to the will and liberty of our Royal Charter. And I demand

that incontinent all former accounts betwixt this said town and me shall be cleared, as witness this presents before this said meeting this 25 of March 1725 by me

Mr Hugh Henry minister
of the gospel at Scarborough

William Giles witness
Nathan Knight witness

[3] [*A long petition, with bits of red sealing wax attached, addressed on the outer fold:*]

To

Major Mudy liveing at Casco to be communicated to the rest of his Majesties justices of the peace w'n [*when*] met in their Court of Quarter Sessions in the Town of york the first Tuesday of April 1725 for the said County, these

[*Inside*]

Blackpoynt March 29. 1725

Hon'rd & Worshipfull Sirs,

Although loath to trouble you with complants yet the ignorance and difference of rud[e] people obliges me to desire you to inspect and consider the inclosed declaration informing you how matters stands betwixt this people and me, they haveing payed me near all due for the first quarter comensing from the 14 [17?] day of jun 1722 the which day I first preached among them then another half a year run on till March 1723 and the town meeting the 28 day of that moneth being met they did rate the present then inhabitants conform [able] to our first agreement jun 1722 for each mans proportion, that is each person was only rated for so much as at first, and I was left to seek the rates of those that were fled the town as I best could. Only I judge the town did wrong me in that notwithstanding they promised in our agreement for that half year past to rate all the inhabitants that were then in the town conform to their quota at our first agreement jun 1722 yet Thomas Leraby [Larrabee] that resided then and for a moneth after was not rated and John Croket and Robert McKiney and Henry McKiney who did ordinarily reside in the town constantly both before and since was not rated because only they were absent at that time upon a March and returned to the town again in a few days and of this wrong I desire to be redressed. And at the said meeting march 1723 the meeting having sent in their Selectmen to agree with me we concluded that Seing the Town was dayly growing lese [*less*] and less, the best way was to apply to the General Court by a petition to rate the lands of the nonresident proprietors at 3 pence or 4 per acre that the residents wrestling to keep possession of the town might have sympathy and assistance from the non residents which was always approven by the lower house but at last stoped by the uper house, and the said selectmen and I judged convenient to delay any further agrement and rateing till we should receive the courts answer as we might then agree and rate to my great encouragement as was hoped. [H]owbit [*sic. Howbeit*] the Court did very redily and cheerfully grant their bounty of 20 pounds per annum, and so waiting on the Courts answer these 2 years are run on, and now although some are willing to pay as they were rated at first and according to our first agrement others are not willing and so this town meeting hath don nothing for me, although I judge they are as able to pay now as when I first came, for where on[e] hath ben killed of their cattle several hath risen and many of them hath benefited by the country service very much.

May it therefor pleas this Worshipfull Bench to take the affair to serious consideration and to grant me the favour and justice to order this said town of Scarborough to pay to me my mantinance for these said two years past and if your worships judges not fit to require any more from them then they were each rated conform[able] to our first

agrement jun 1722 I desire the present inhabitants may be ordered imediatly to pay that same, and although I come to losse by it, yet considering it shall be lesse quarelled by the people and less trouble to your court I shall endeavor to bear the loss, only desire it may be presently ordered for me and not delayed to another session and I suffer by want and delay of payment and your answer with your first convenience that I may not need to prepare it for the General Court & that you may have divin conduct prays your humble servant

Hugh Henry min'r

[On the left margin, the length of the page:]

Worthy sirs I cannot have peace of conscience to conceal any longer the behaviour of one Samuel Lebby [Libby] liveing in this Garison who although no professed Quaker yet these 2 years past hath totally deserted the publick ordinance and is a bad example to others and yet continues to be our town clerk. I desire your Worships would reduce him to order according to law, and I thank God he is only the total absentor from publick ordinances in the whole town known to me.

Hu: Henry m'r

[On the reverse, added:]

What the rates are and who are present inhabitants will be found by the town book here and by information given to such as the Court shall send to take notice of the affair.

[4] At a Town meeting lawfully warned by order of the Selectmen on June the 30 day anno Domini 1725 to agree what ansur to Send the Justiceses [*sic*] of the peace in the general Sessions of the peace consarning the complant of Mr Hugh Henery hath made aganst the town being acordingly meat [*met*] and convend acording to the time and place perfixt did pr'sede and chose mr Job Burnam morderrator

The mager [*major : majority*] vote was that Mr Hugh Henery hath not bin accounted ouer minister sence he Refused agreement with the Town March the 28 Day anno Domini 1723 nather hath he bin detaned by the Town but was free from us and we from him a tru Copy atested p'r

Samuel Libbee Clerk

[5] *[A large sheet; on the outer fold, in the hand of the Clerk of the Court:]*

Mr Hugh Henery
Compl't

[Inside, the following names, written by one hand, are listed as shown. There is no explanation, nor is there any attestation. The small "x's" after certain names are in the original.]

Job Burnum
Daniel Burnum
Henery Libby
Sam'll Libby
James Libby x
Jno Libby x
Robert McKiney senior
John McKeney
Robert Mckenney Jun'r x
Henrey McKenney x
Eleazer McKenney x
Widow Hunnwell [?]

[Reverse:]
Job Burnum
Henry Libby
Sam'll Libby
Rob'd Mackeney Sen'r
Jno Brag
Jno Mackeney
Charles Pine
Daniel Burnum
Widow Huniwell
Nathan Knight
Thos Sevey

Jos Hunwell her son x	Jno Crockit
Nathan Wright	Widow Mitchel
Jno Crockit	James Fly
Thos Seevey	
Ebenezer Sevey x	
Jno Brag	
Charles Pine	
James Fly	
Widow Mitchel	
Widow Perrey x	

[6] *[This seems to be Henry's own listing. It appears to be in his handwriting, and it shows no attestation.]*

An account near about what are the yearly rates of the present inhabitants of Scarborow conform[ing] to their first agreement

	£	s	d
Widow Mitchel	2	09	04
Job and Daniel Burnum	3	14	00
Henry Liby	1	19	08
James Fly	3	02	00
Widow Hunwal	2	13	00
John Brag	1	06	04
Robert McKiny Senior	1	16	04
John McKiny	1	04	00
Robert McKiny junior	1	10	04
Henry McKiny	1	07	08
Elieser McKiny	1	04	00
Charls Pine	1	14	00
Roger perry	2	11	00
Thomas Liby	2	01	00
Ebenezer Liby	2	01	00
John Crockit	1	06	04
Nathan Knight	2	01	00
	36 ⁵²	1	00

Also Roger Daring rated at 3 pounds per annum or more after he had stayed till about March 1723-4 went away unrated for that year 1723 and why he and others once rated should not pay for every year which they have cattle pasturing in the town we desire to know the reason.

The Town was rated till the middle of March 1722-3 but never further, Sir, beside the above sume due yearly by the town even as they were first rated

	£	s	d
Roger Daring living there the year 1723 must be rated at more then	3	—	00 — 00
Thomas Lareby for the last half year 1722 or the Town for omitting to rate [him.]	2	—	00 — 00
Robert McKiney for the said half year	0	—	12 — 00
Henry McKiney also	0	—	17 — 00
John Crocket	0	—	13 — 02
	7	—	02 — 00]

⁵² An error: it clearly should be 34:01:00. Henry's mistake, which possibly he corrected without noting source of error.

The abovesd. Mr. Hugh Henry inform'th this Court that one Sam'l Libby of Scarborough Neglect'th the publick worship of God ordered that the Sd. Sam'l Libby be sumon'd to appeare at the next sessions to answer to the afforesd. information and that the Sd. Henry be sumon'd to attend at the aforesd. term as Likewise to prodouce what Evid'ce he can to make out his afforesd. charg's.

Ordered that the presentment of Thomas Masseets wife be heard before Jo's Hamond Esq'r one of his maj'tys Justices of the peace for Sd. county as it was ordered at January Court last and that he make report at the next Gen'l sessions held in Sd. county. Fees 7s.

Peter Whittom Jun'rs wife presented for not attending the publick worship of God; he makeing Excuse to this Court that his wife is unable to come to Court, haveing not ben well for Sum time; Its therefore considered by the Court that the Sd. present'm. be heard before Jo's Hamond Esq'r one of his maj'tys Justices of the peace for Sd. county & that he make report of his proceedings thereon at the Next Court of Gen'l sessions of the peace to be holden at york for Sd. county on the first Tuesday of July next. [*In right margin:*] Fees 7s.

Noah Willson present'd for not attending the publick worship of God, it appearing to this Court that the man hath not ben well for sum time, Its considered that he be heard before John Wheelwright & Jo's Hill Esq'rs two of his maj'tys Justices of the peace for Sd. county & that they make report of their proceedings thereon at the Next Court of Gen'l sessions of the peace to be holden at york for sd. county of York on the first Tuesday of July next. [*In right margin:*] Fees 7s.

Hannah Eldridge presented for not attending the publick worship of God, Its considered by the Court that She be heard before John Wheelwright & Jo's Hill Esq'rs two of his maj'tys Justices of the peace for Sd. county & that they make report of their proceedings thereon at the next Court of Gen'l Sessions of the peace to be holden at York for sd. county on the first Tuesday of July next. [*In right margin:*] Fees 7s.

Daniel Simson chosen county Treasur'r & Sworn in Court.

[7:84]

Peter Whittom & wife appearing to answer their present'm for not attending the Public worship of God they giving Sattisfaction to the Court, Its considered they be acquit'd paying Fees of Court 14s.

Daniel Whittom & wife appearing to answer their presentm't for not attending the publick worship of God, they giving Sattisfaction to the Court. Its considered they be acquit'd paying Fees of Court 14s.

John Whittom & wife appearing to answer their presentm't for not

attending the publick worship of God they being thereof convict'd, Its considered by the Court that they pay a fine to the poor of the Town of Kittery of 20s Each & Fees of Court 14s; if on able to pay the Fine to be set in the Stocks; his wife pd the fine.

John Treworgie being bro't to this Court for being the reput'd father of a bast'd child begotten on the body of Dorcas Gowen & being thereof convict'd, Its considered by the Court that the Sd. John Treworgie pay to the Sd. Dorcas Gowen two Shillings and six pence per week, towards the maintenance of Sd. child from the birth of it during this Courts pleasure & pay Fees of Court, and Stands comitt'd untill he geet suretys to perform the same. John Treworgie principle & Josiah Winn & Andrew Grover Suretys Joyntly & Severally Acknowledge them Selfes to be holden & Stand firmly bound & oblig'd to the Sellect'm or Over Seers of the poor of the Town of Kittery in the penal Sum of Sixty pounds to be paid to them or their Success'rs. The condition of this recogniz'ce is Such that if the above bound'd John Treworgie Shall observe & comply w'th the above Sd. order of Court & keep the Town of Kittery free from any charge for Sd. child's maintenance then the above to be Void, otherwise to remaine in full force &c.

The Sellectmen of the Town of Wells appearing to answer their Towns presentment for want of a Sufficent bridge over the mill river by Jo's Littlefeild, makeing it appeare to the Court that the Town was about the bridge, Its considered they be Acquit'd paying Fees of Court 11s.

Whereas their was a writ of Scire facias ag'st James Parker for his appeareance to this Court &c; the Court being inform'd of his desiblety [*sic.*] to attend ordered that the Exicution be suspend'd untill the next term.

John Eldridge appearing to answer his presentm't for cursing and being thereof convicted its considered by the Court that he pay a fine to the poor of the Town of Wells of 5s. & Fees of Court 7s & Stands committ'd.

Benj'a Stone of York Sworn in Court Seal'r of weights & measur's for Sd. Town.

[7:85]

Charles Frost being bound over to this Court by Jo's Hammond Esq'r one of his maj'tys Justices of the peace for Sd. county for incorageing Voters to Vote in Town affares &c. w'ch were not quallify'd

according to law to Vote, ordered by this Court that he be Admonesh'd & pay Fees of Court, 12s6.

Whereas Mr. Charles Frost was bro't before this Court for refusing to Enter & record a return of the laying out of Sev'l grants of land unto the complainants John Rogers, John Leighton, Joseph Hamond, Jun'r & Tobias Leighton, Its considered that in as much as it has been the practise of the Sever'l Towns in this county to record such returns & he not being so well appriz'd of his duty in that matter, that he be dismiss paying costs 38&8 and Advis'd for the future to comply w'th the Antient practice.

Cap't Edward Preble being bound over to this Court by Sam'l Came Esq'r one of his maj'tys Justices of the peace for sd. county for Selling Strong drink without Licence; the process being so uncertaine, Its considered by the Court he be Acquitt'd paying Fees of Court twenty foure Shillings.

There being a process out for John Woodmans appeareance to this Court to answer his presentment for being drunk and Nath'l Fernald constable of the Town of Kittery makeing return that he had apprehend'd him; but nither of them appearing; Its consider'd that the process be continu'd ag'st Woodman for his appeareance at the next Court to answer his sd. present'm, as Likewise that there goo out a process for the bringing the sd. consta Fernald to the Sd. Next term to answer to his neglect of duty in his Sd. office.

Thomas Weed being bound over to this Court by Joseph Hammond, Esq'r. one of his maj'tys Justices of the peace for Sd. county for refusing to assist Constable Benj'a Goold in the Exicution of his office &c, Its considered by the Court that the Sd. Tho's Weed pay a fine to the poor of the Town of Kittery of five Shillings & Fees of Court thirty Eight Shillings & 2d & Stands comitt'd.

The presentm't of the grand inquest are as followeth vizt.

We the grand inquest for the body of the county of York find the following presentm'ts vizt.

York: for Difishant high ways from York bridge up to bricksum Swamp, and brave boat harbor bridge.

Lydia Whier for Fornication

John Burril for profaine Swaring

Kittery: For not being provided with a School master. For want of Standards

[7:86]

Biddiford: John Stackpole for breach of the peace for Striking

SAM'L CLARK Foreman

Mr. Charles Frost is appointed Clerk of the Court of Gen'l Sessions of the peace and Inferiour Court of comon please for our Said county of York, and was Sworn in Court to the faithfull discharge of Sd. Offices

Attest'd: WM PEPPERRELL Cler

[First entry in the hand of Charles Frost:]

ANNO REGNI REGIS GEORGII UNDECIMO

At a Court of General Sessions of the peace holden at York within & for the County of York July the 6, 1725—Present John Wheelwright, Joseph Hamond, Sam'l Moodey, William Pepperrell Jun'r, Joseph Hill & Sam'll Came, Esq'rs.

The Names of the Grand Inquest are as Followeth

Jonath'n Bane Foreman

Joseph Prebble

Daniel Junkins

Ralph Fernum [Farnham]

John Furbush

Samuel Toby

Richard Rice

Clem't Dearing

Josiah Winn

Tho's Kilpatrick

Benj'm Hatch

Robert Knight

Ethrington Hearl

Whereas there was a writt of Scire facias against James Parker for his appearance to Aprill Court Last &c, the Court being Inform'd of his disability to attend; they Ordered that Execution Should be Suspended untill this Court He not Attending this Court; Ordered that an Execution or Warrant of Distress go out of the Clerks office against the Sd. James Parker for the forfeiture of his bond of twenty pound to our Sovereign Lord the King & Fees of Court 35s.

Sam'll Libby & Job Burnum two of the Selectm'n of the Town of Scarborough appeared to answer the Complaint of the Rev.'d Mr. Hugh Henery Minister of Sd. Town of Scarborough Against the Inhabitants of Sd. Town for not Supporting him in the work of the Ministry there, Since the Expiration of the Contract which was Contin'd to this Court, Ordered that the Selectmen or Assessors of Scarborough aforesd. do forthwith assess the ratable poles & Estates of the Inhabitants of the Town in due proportion (they being Since the late destroying warr reduced to very low Circumstances & being in Numb'r but fourteen poles) the Sum of twenty pounds in full of Mr. Henery[']s]

Salery out from Sd. Town to the 30th day of June Last & Cause the Same to be paid in to the Sd. Mr. Henery at or before the 30th day of Septemb'r Next Excepting what [7:87] Appears to the Assessors that any of the Inhabitants have already paid their proprtion or any part of it And that they pay the fees of Court 19&3.

Samuel Libby of Scarborough appeared to Answer the Complaint of the Rev'd Mr. Hugh Henery for not frequenting The Public worship of god, Its Considered by the Court he be Acquited pay Cost of Court 18&3 & Stand Committed.

Samuel Smith Constable of Biddiford Appear'd to Answer for his Neglect in his office in not making return that he had Apprehended John Stagpole of Sd. Town to appear to Aprill Court Last; Its Considered by the Court he be Admonished & pay fees of Court 17&9 & Stands Committ'd.

John Stagpole appear'd to Answer his presentm't for breaking the peace in Striking & being thereof Convict'd Its Considered by the Court he pay a fine to the King of 5s & fees of Court 25s & Stands Committ'd.

Nathaniel Fernald Constable of Kittery Appeared to Answer for his neglect in making return that he had apprehended John Woodman as Set forth in the warrant to appear at Aprill Court Last; Its Considered by the Court he be Admonished & pay fees of Court 10&3 & Stands Committed.

John Woodman of York Appeared to Answer his presentm't for being drunk. Its Considered by the Court he pay a fine to the poor of the Town of Kittery of 5s. & fees of Court 14s & Stands Committ'd.

Samuell Savery of Berwick Appear'd to Answer for his Neglect in not Attending the Grand Inquest in Aprill Court Last as per the Record appears. Its Considered by the Court that he be Acquited pay Cost 8s. & Stands Committ'd.

Samuel Shory of Kittery Appeared to Answer for his Neglect in not Attending the Grand Inquest in Aprill Court last as per the Record appears. Its Considered by the Court that he be Acquitted paying fees of Court 8s & Stands Committ'd.

Mess'rs John Dennit & John Thompson two of the Selectmen of Kittery appeared to Answer their Towns presentment for not having Standards. Its Considered by the Court that they be directed to take Effectual care that the Town be provided with Standards &ct & pay fees of Court 10s & Stands Committed.

John Woodbridge being bound over to this Court by Sam'l Came Esq'r for Striking as per the process. Its Considered by the Court he

pay a fine of five Shillings to the King & fees of Court 18s & Stands Committed.

[Y. F. 1724-1725 No. 6]

[1] *[A large double piece of foolscap, with Samuel Came's record of the case.]*

York Ss To the Sheriff of the county of York his Under Sheriff or Deputy

Greeting

Whereas complaint is made to me the Subscriber one of his Maj'tys Justices of the peace for sd county by John Smith of York, for that on the 5th day of this Ins't July John Woodbridge did beate & abuse sd Smith & did Strike him w'th a gun over the head, these are in his Maj'tys name to require you forthwith to apprehend the body of the sd John Woodbridge & him to bring before me the Subscriber or Sum other of his Maj'tys justices of the peace for sd county to answer to what shall be alleag'd ags't him on his Maj'tys behalfe relateing to the premises & here of faile not at your peril. Dat'd at York July the 6th in the 11th year of his Maj'tys reign Anno: Domini: 1725

Sam'l Came

You are Likewise required to Sumons Wm Rouse & Jona. Johnson to appeare to give Evid'ce what they know relateing to the premises

Sam'l Came J: peace

July the 5th 1725

Jona. Johnson being at the house of John Woodbridge Saw sd John Woodbridge coller John Smith & told sd Smith he would knock his brains out if he would not goo out of his house & let go his holt & caught up a gun & Strock sd Smith over the head w'th sd gun

York Ss July the 6th 1725
Sworn before

Sam'l Came J: peace

A True copy Exam'd by *[signed:]* Samul Came Js pes

[second page.]

York Ss July 6th 1725

about 8 of the Clock in the forenoon John Woodbridge was brought before Sam'l Came Esq'r one of his Maj'tys Justices of the peace for sd county for Stricking of John Smith as by the process. Evid'ces being taken that proved the fact, Its Considered that the sd John Woodbridge give baile w'th Suretys to the Value of ten pounds for his Appearance before the Justices of the Court of Gen'l Sessions of the peace to be holden at York for sd county on this day

[There follows the recognizance and bail bond. Surety was John Adams of York. The condition is that Woodbridge "Shall this day appeare before the Justices of the Court of Gen'l Sessions of the peace."]

A True copy of record Exam'd

Saml Came
Jus pcs

[2] July the 5 1725

Will'm Rowse being att the House of John Woodbridge Saw sd John Woodbridge Collar John Smith and told him sd Smith he would Knock his Brains out if he would not go out of his house and let go His hould and Cached up a gun and Struck sd Smith over the head with sd gun

York Ss

York July the 6 1725

Sworn be fore me Sam'll Came

Justes a peace

A True Copey per Sam'll Came]

[7:88]

James Turner being brought before this Court for Stealing of a Dog⁵³ as per the process; no Evidence Appearing to Convict him; Its Considered by the Court he be Acquited paying fees of Court £5:1:0 & Stands Committed.

[Y. F. 1724-1725, No. 6]

York Ss. To the Sheriff of the County of York his under Sheriff or Dep'ty or to Either of the Constables of the Town of Berwick Greeting

Whereas Compl't is this day Exhibited to me the Subscriber one of his Maj'tys Justices of the peace for the sd County by Elisha Plaisted of Berwick in sd County Esq'r in his Maj'tys behalfe, that On or Ab't the Twenty first day of April Instant at Berwick aforesd James Turner now resident in the aforesd Town did Steal from him the Complainant One Certaine Iron Canting dogg of the vallue of four pounds which was then lying at his door of his Garrison & the propper goods or Estate of the Complainant, which is Contrary to the Law of this Province Entituled An Act for the punishing of Criminal Offenders, to the dammage of him the Complainant & Contrary to the peace of Our Sovereign L'd the King his Crown & Dignity

You are therefore hereby required in his Maj'tys Name on Sight of this to Aprehend the aforesd James Turner and him bring before me or Some other of his Maj'tys Justices of the peace for the sd County that he may be proceeded with as the Law directs, Hereof fayle not. Dated at Kittery in sd County this 30th day of April in the 11th year of his Maj'tys reign Annoque Domini 1725

Jos Hammond

You are also hereby required to Summons as Evidences Edw'd Steward, Michael Kelly, Joseph Cross, Habija How, Isaac Curtis, James Marden, Andrew Walker, James Grant, Moses Hubbard and Margaret Frost to Appear at the same time, And to notify the abovesd Plaisted of the time & place that he may Appear

Jos Hammond J: Pac

May the 4th 1725

Pursuant to the within Warra't to me directed I have Aprehended the within named James Turner & Summoned the Several Witnesses within named

by me Tho's Butler Const'a

Vera Copia Exam'd Jos: Hammond J: Pacis

[2] York Ss. May 4th 1725, Annoque R'i R's Georgii Undecimo

James Turner a resident in Berwick in the County aforesd being Br'ot before Joseph Hammond Esq'r One of his Maj'tys Justices of the peace for sd County to Answer to the Compl't of Elisha Plaisted of Berwick aforesd Esq'r on his Maj'tys behalfe, that on or About the 21st day of April last at Berwick aforesd he the sd James Turner did Steal

⁵³ As the file papers make clear, the reference is to a tool: a canting iron, or grappling iron.

from him the sd Plaisted One Certaine Iron Canting dogg of the vallue of four pounds as Set forth in the process.

Sundry Evidences being Sworn in the Case, Its Considered that the Cause be removed to the next Court of Gen'l Sessions of the peace to be holden at York for sd County on the first Tuesday of July next, And that the sd James Turner be Committed till he find Suretys for his Appearance at sd Sessions to Answer what Shall be Objected Ags't him relating to the premisses & Also for the paym't of Treble damages in Case Judgm't pass Ag;st him

Vera Copia as of record Exam'd Jos Hammond J. Pac

[3] [Turner refused bail. The next document is Hammond's mittimus, dated 4 May 1725, with return of Thomas Butler, constable of Berwick, dated the same day, that Turner had been delivered to the keeper of His Majesty's jail in York.]

[4] The Deposition of James Mardin of full Age Vizt., that on or About the Twenty first day of April 1725 I was at the house of Elisha Plaisted Esq'r at Berwick [and] there was lying at the Door one Certaine Iron Canting dogg which some of Capt'n Olivers Soldiars had brought out of the Woods from a place where Some time Since the sd Plaisted then said he had left it for the bringing home of which he then pay'd the sd Soldiars, And that I have very often heretofore laboured with the sd Plaisted in hewing Masts where we have used the Same dogg to the best of my knowledge thereof and it was always Accounted the sd Plaisted's dogg, And on the sd day I saw James Turner take the sd dogg from the sd door without sd Plaisted's leave as he Sayes and Carry it away and am told offered it at the Tavern for Strong drink

York Ss May 4th: 1725 Taken upon Oath Coram Jos. Hammond J: Pacis

Vera Copia Exam'd Jos: Hammond J: Pacis

Andrew Walker made Oath to the truth of All above written Excepting his using the Dogg & Labouring with Mr Plaisted & it being heretofore Accounted his

Coram Jos: Hammond J. Pac

Vera Copia Exam'd Jos Hammond J: Pac

[5] James Grant being Sworn Saith that on or About the 21st of April last he was at work with Capt'n Plaisted at Berwick where there Came Some Soldiars & brought an Iron Canting dogg which was Owned by Capt'n Plaisted which dogg the Deponant to the best of his knowledge hath often used in sd Plaisted's Service & Capt'n Oliver being there present there was some Agreem't as he understood between sd Plaisted & Oliver, that Capt'n Plaisted was to Treat the Soldiars with Some drink for bringing the Dogg out of the woods, And Accordingly he Saw the Soldiars have a buckett with drink in it At sd Plaisted's the same time

York Ss May 4th 1725. Taken upon Oath Coram Jos. Hammond J. Pac

Vera Copia Exam'd Jos: Hammond J: Pac

Margaret Frost being Sworn Saith that on or About the 21st of Apr'l Last Edw'd Steward Offered to pawn an Iron Dogg for 20s and that James Turner, Michael Kelley & Joseph Cross were in the house at the Same time, That She has heard Edw'd Steward & Isaac Curtis Say that they would Stand by One Another in the Affair of the Dogg

York Ss. May 4th 1725. Taken upon Oath Coram Jos: Hammond J. Pac

Vera Copia Exam'd Jos: Hammond J: Pac

Moses Hubbord being Sworn Saith that Since there has been a Difference About a

Canting Dogg between Capt'n Plaisted & James Turner he has heard sd Turner, Isaac Curtis, Edw'd Steward, Michael Kelley & Thomas Dempsie Say that they would Stand by One Another in the Affair of the Canting Dogg

York Ss, May 4th 1725. Taken upon Oath Coram Jos: Hammond J: Pacis

Vera Copia Exam'd Jos: Hammond J: Pacis]

John Smith being bound Over to this Court by William Pepperrell Esq'r one of his Maj'tys Justices of the peace for the County of York he being Suspected for Uttering a Counterfitt fifteen Shilling bill as per the Recognizence, Its Considered the Sd. John Smith be Acquitted paying Cost of Court 16s & Stands Committed.

[Y. F. 1724-1725, No. 6]

[This is the first paper in York Files illustrating the younger William Pepperrell's work as a Justice of the peace, with an attestation by the younger Charles Frost, the new clerk of the court.]

York Ss April 24th 1725

Thomas Harvey brought before Wm Pepperrell Esq'r one of his Maj'tys Justices of the peace for sd county one fiveteen Shilling bill of the Province of New Hampshire Counterfit'd w'ch he declares he had of John Neale

The Said John Neale appear'd & made oath that he did recieve the sd fiveteen Shilling bill of Benj'a Lord

The Sd Benj'a Lord appear'd & made oath that he did receive the sd fiveteen Shilling bill of John Hooper

The Sd John Hooper appear'd & made oath that he did receive the sd fiveteen Shilling bill of John Smith of york, according to the best of his knowledge as neare as he can Judge one bill to be like another.

York Ss. May 3'd 1725: John Smith appearing before Wm Pepperrell, Esq'r. one of his Maj'tys Justices of the peace for sd County to give an Acc'ot who he receiv'd the above mention'd counterfit'd fiveteen Shilling bill, he refuseing to make oath who he receiv'd sd bill of:

Its considered that he give bond w'th Suretys for his personal appeareance before the Court of Gen'l Sessions of the peace to be holden at York for sd county on the first Tuesday of July next: there to answer to what shall be alleag'd ags't him on his Maj'tys behalfe relateing to the premises

[Then follows a copy of the recognizance and bail bond. In copying, the amount of the bond a whole line, apparently, was omitted. Surety was Capt. Peter Nowell.]

[The last entry provides an interesting dénouement:]

York Ss July 6 1725

The above sd Jno Smith appeared in Court & made Oath that the above sd fifteen Shilling bill w'ch he paid Jno Hupper [sic] he Receiv'd of Cap'tn Peter Nowel of York

Sworn in Court
Attest Charles Frost Cler]

James Mac Kertney [McCartney] was Cleared of his bond for his Good behaviour by proclamation.

[Y. F. 1724-1725, No. 6]

York SS June 21: 1725:

This day: James Maccartney was bro't before Wm. Pepperrell Esq'r one of his Maj'tys Justices of the peace for sd County by Vertue of A special warrant for witingly & Willingly making & publishing a false & Scandlous report of John Woodman in Saying that the sd Woodman was a murdering old roge & that he had murdered two wives & that he was a wizard & had bewicht Several people as per the process. the case being heard & Evid'ces taken, Its considered that the sd James Maccartney pay a fine to the King of ten Shillings & Fees of Court and give bond with Suretys to the Value of five pounds for his good behaviour untill the next Court of Gen'l Sessions of the peace to be holden at York for sd county.

[There follows a memorandum of the recognizance and bond. Benjamin Stone and Richard Cutts, Jr. were sureties.]

A True copy of record

Exam'd per Wm Pepperrill [Jr.] J: peace]

Jeremiah Moulton Esq'r & Cap't Peter Nowel two of the Selectmen for the Town of York Appeared to Answer their Towns presentment for deficient high ways from York bridge up to Bricksome Swamp & braveboat harbour bridge As per the process, they making it appear that Some of Sd. ways are mend'd & promising to take Effectual care that the other shall be mended, Its Considered that they be Acquited paying fees of Court 9s & Stand Committed.

John Burrill Appeared to Answer his presentment for profain Swearing Its Considered by the Court he pay a fine of 5s. to the poor of the Town of York & fees of Court 7s. & Stands Comitted.

John Smith fisherm'n being Convicted before this Court for his Reveling & disorderly Carriage in fireing of a gun in the house of Mr. John Woodbridge at York Its Considered by the Court he pay a fine of 5s. to the King & fees of Court 5s. & Stand Committed.⁵⁴

Ordered that Capt'tn John Heard be Summons to Appear at the Next Court to give his reason if any he have why he dont pay the fine & fees of Court as ordered in July 1722.⁵⁵

Ordered that there gow out a process to Apprehend Daniel Grant So that he be had at the Next Court of General Sessions of the peace to Answer for his breaking away from the Officer before he had Complied w'th the Sentence of the Court in January 1723/4.

⁵⁴ See *supra*, 188.

⁵⁵ See *supra*, 97.

On the Acco't of Mr. Joseph Curtis Corren'r of this County for Charges in Taking Inquisition on the body of William Welch who was Taken up dead at York June the 3'd, 1725 Ordered that the Sd. Mr. Joseph Curtiss receive out of the County Treasury three pounds Seventeen Shillings to be p'd to whom it is due in full discharge of Sd. Acco't.

[Y. F. 1724-25, No. 6]

[Superscribed:] To Samuell Came Esq'r
Att Boston

[Interior:]

Kittery June 5th 1725

Capt Came
Sir

This is to Acquaint you that one William Welch a Soldier under Capt. Jorden att Winter harbour who was going up in a Canow from said Jordens To Mr Scammons was Drowned about 5 or 6 weeks agoe, was Taken up & Brought into York, where was a Jury upon him & the Charge of the Jury & Furnell [*sic*] amounts to *li5:7s:4d* and for as much as he has No Estate to pay the Charge, Except he has Wages due to him, the Charge will fall upon the County. I understand his Officer is att Boston to Make up the Muster roll. Would Therefore Desire you would Speak with his Officer & See what Wages he has due to him as allso The Treasurer & Recive the Money for us if you Can and I will Sattisfie you for your Trouble. This with my Humble Service to your Selfe

I remain Sir your Humble Serv't
Jos: Curtis

The Charge in Taking Inquisition one the body of William Welch who was Taken up Dead & Brought in to York June the 3d: 1725 is as Followeth, Vizt

	<i>li</i>	<i>s</i>	<i>d</i>
To the Funerall Charge	1	0	0
To the Corroners Fees	1	3	4
To the Officers Fees for Summoning the Jury	0	14	0
To the Evidences for Swaring	0	26	0
To the Giving the Evidences There Oaths	0	3	0
To Sending to the Corroner & gaurd [<i>sic</i>] over the Corps	0	10	0
To 14 Jurymen there fees	1	8	0
	<hr/>		
	£ 5	7	4

This is a True Acco't as Attests

Jos: Curtis Corroner of the County of York

receiv'd out of the Province Treasury by Sam'l Came Esq'r the ball'ce of his wages w'ch he is to pay to Mr Jos Curtis Corroner

	5	=	7	=	4
	- 1	=	10	=	4
Ballance due	<hr/>				
	3	:	17	:	0

[Reverse:]

York Ss. July 6th 1725:

The Acco't of Mr. Jo's Curtis Corroner of this county presented the within acc'ot to this Court w'ch was read & Accepted & ordered that the sd Jo's Curtis receive out of

the County Treasury three pounds Seventeen Shillings to be paid to whome it is due in full discharge of sd acc'ot.]

[7:89]

Mr. Benjamin Stone preSented an Acco't for ringing the bell & fitting a plattform &c. for the Superiour Court Rec'd & Excepted & Ordered that the County Treasurer be directed to pay Sd. Benj'm Stone twenty Seven Shillings In full discharge of the Sd. Acco't.

The Committee on the Acco't of the Late Sheriff Leighton makes report that there is due to his Maj'ty £12:14:0 which he received for fines more then he paid.⁵⁶ Ordered that the present Sheriff of this County demand of the Executrix of the Late Sheriff Leighton afores'd & take into his Cusdoty for the Use of his Maj'ty the Sd. £12:14:0 & that the Sheriff be directed to pay the Sd. Committee out of the Kings money 16s.

Lycence is granted by this Court to the Several persons following
To be Taverners & Retailers the Year Ensuing—

For the Town of Kittery

James Chadbourn, Benj'm March, Mary Staple, Paul Wentworth, George Berry, Sarah Hill, Robert Mitchel, Joseph Curtiss & William Pepperrell Esq'r to Retail

For the Town of York

Caleb Preble, John Stover, Benj'm Stover, Mrs. Mary Prebble to Retail

Mr. John Woodbridge having a Stock of drink by him Its Considered he have Leave to Sell till Octob'r Court next

For the Town of Wells

John Storer, Francis Littlefield, John Wells

For the Town of Berwick

Cap't Elisha Plaisted to Retail. To James Frost within doors during the time of his Continuance in the House of Mrs. Mary Moulton & after his time is out there, then to him that Shall Inhabit there provided it be agreeable to this Court; & to Joseph Abbot within doors.

For the Town of Biddiford

Humphery Scammon, Nathaniel Tarbox; & Sam'l Jordon to Retail

For the Town of Arrundel

Javis [Jarvis, Jabez] Dormon

For the Town of Falmouth

Cap'tn Richard Coller, & Sam'll Moodey Esq'r to Retail

⁵⁶ For the report, see Y. F. 1724-25, bundle No. 6.

[7:90]

The presentments of the Grand jury are as followeth vizt

Wee the Grand jury do present Joseph Woodsome of Berwick for
profain Cursing

Joseph Hartford of Kittery for profain Cursing

Robert Thompson of Kittery for profain Cursing

Rebecca Bryer of Kittery for fornication

John Jordon of Kittery Shipwright for Neglecting the publick wor-
ship of God on the Lords day

Jehannah Donnill of York for fornication

Elizabeth Goodwell of Wells now the reputed wife of Sam'll Little-
field for fornication

JONATHAN BEAN forem'n

Ordered that the Sum of one Hundred pounds be Assessed on the
Inhabitants of part of this County fifty pounds thereof to be paid into
the County Treasury by the first day of October Next, The other fifty
pounds to be paid into the County Treasury by the first day of Aprill
Next; And the Treasurer is hereby directed to Issue out his warrants
to the Selectmen of the Several Towns Accordingly vizt.

Kittery thirty one pound five Shillings	£ 31: 5:0
York twenty Seven pound Ten Shilling	£ 27:10:0
Berwick twenty three pound fifteen Shillings	£ 23:15:0
Wells Seventeen pound Ten Shillings	£ 17:10:0
	<hr/> £100:00:0

Ordered that a warrant of distress go out of the Clerks office against
Peter Wittum Jun'r his wife for the Levying a fine of twenty Shilling &
fees of Court 11s According to the Sentence of Joseph Hammond Esq'r
as on file appears or on default to Set in the Stocks one hour.

[Y. F. 1725-1726, No. 3]

[*Exterior:*] On his Maj'tys Service To the Constable of Kittery

York Ss.

To the Sheriff of the County of York his under Sheriff or Deputy or to the Constables
of the Town of Kittery or to any or either of them Greeting

Whereas Our Justices of Our Court of General Sessions of the Peace holden at York
in & for our County of York on the sixth day of July 1725 did order that Peter Wittum

Jun'r his wife having Absented her Selfe from the Publick worship of God, And not attended the Same Should pay a fine of twenty Shillings for the Use of the poor of the town of Kittery or on default thereof Should be Set in the Stocks one hour & pay fees of the Court Eleven Shillings, and Ordered that a warrant of distress go out of the Clerks office of the said Court for the Levying the sd fine & fees or on default thereof to be Set in the Stocks one hour;

Wee therefore hereby Command You that you take by distress from the wife of sd Peter Wittum Jun'r twenty Shilling fine & fees Eleven Shillings as above, And in default of her paying the Same to you that you Set her in the Stocks the full Space of one hour. Hereof faile not & make return of this writt & of your doings there in to the Next Court of General Sessions of the peace to be holden at York on the first Tuesday of October Next

Witness John Wheelwright, Esq'r
at York the 24 day of Aug'st In
the twelfth Year of Our Reign Anno Domini 1725

Per C;m Charles Frost Cler

[Reverse:] York October 4, 1725

Pursuent to the within w'rant to Me Directed I have put the wife of peter Wittom Juner in the Stocks the full Speace of one oure and have Receved Eleven Shilings Court fees

per Nathaneld fernald
Constable]

Daniel Morrison being bound Over to this Court by William Pepperrell Esq'r one of his Maj'tys Justices of the Peace to Answer for his Uttering threatening Speeches As per the process; Its Considered by the Court that he pay a fine to the King of 10s. & fees of Court 21s3 And give bond with Sureties for his Good behaviour untill the Next Court of General sessions of the peace to be holden at York for [7:91] Said County of York & Stands Committed untill Sentence be performed. The Sd. Daniel Morrison Appeals from the above Sentence to the Next Court Assize & General Goal Delivery to be holden at York for Sd. County.

Memorand'm the Said Daniel Morrison principal John Wells & Caleb Kimbell Suretys acknowledge themSelves to be holden & Stand firmly bound & Obliged joyntly & Severally in the penall Sum of Ten pounds Currant money of New England to be paid to our Sovereign Lord the King his Heirs or Successors if the Sd. Daniel Morrison Shall make default in the proscicuteing his Said Appeal with Effect And also that he be of Good behaviour in the Mean time towards his Maj'ty & all his Leige people.⁵⁷

Taken in Court Attest CHARLES FROST Cler

⁵⁷ For the record of the appeal, see the materials following the next case, that of Malachi Edwards.

Malachi Edwards being bound over to this Court by William Pepperrell Esq'r one of his Maj'ts Justices of the Peace for Sd. County for that he the Sd Malachi Edwards being Constable of the Town of Wells, At a Publick Town Meeting of Wells afor'sd on the fifth day of May Last did refuse to Obey the Commands of the Hon'ble John Wheelwright & Joseph Hill Esq'rs two of his Maj'ts Justices of the Peace requiring him in his Maj'ts Name to Execute the Same; Also for that he the Sd. Malachi Edwards did at the Same time in a Contemptuous Manner in the face of the Assembly lay hold on Mr. Justice Hill & Command him to go & Stand Guard over a prisoner then Committed to him by the Said two Justices as per the process is Set forth & Express'd. Its Considered by the Court that the Sd Malachi Edwards pay a fine to his Maj'ty of Ten pounds & fees of Court 31s 3d & that he give bonds for his Good behaviour till the Next Sessions & Stands Committed till the Sentence be perform'd. The Said Malachi Edwards Appeals from the above Sentence to the Next Court of Assize & General Goal Delivery to be holden at York for Sd. County.

Mem'dm the Said Malachi Edwards principal, John Wells & Caleb Kimbell Sureties acknowledge themSelves to be holden & Stand firmly bound & Obliged joyntly & Severally in the Penall Sum of fifty pounds Currant money of New England to be paid to our Sovereign Lord the King his Heirs or Successors if the Sd. Malachi Edwards Shall make Default in the proscicuting his Sd Appeal w'th Effect And also that he be of Good behaviour in the Mean time towards his Maj'ty & all his leige people.

Taken in Court—Attest CHARLES FROST Clerk

[The records and papers of the appeals in both of the above cases are joined here, since they deal with the same event. In the judgment book of the Superior Court Edwards' case is entered first, but here the papers and the transcript of the record follows the order established by the York County clerk.]

[Superior Court of Assize and General Gaol Delivery held at York 11 May 1726. Lynde, Davenport, Dudley, Quincy JJ.]

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[Fol. 42.] Morrison adj Dom Regis

Daniel Morrison appl't adj Domini Regis, From the Sentence of the Court of General Sessions of the peace held at York for the County of York on the first Tuesday of July last past, where the Appl't was bound over by recognizance to appear to Answer for his uttering threatning speeches as per the process, & was ordered to pay a fine to the King and Costs &c, And now after a full hearing of the Case It's Considered by the Court That the former Sentence of the Court of General Sessions of the peace be and hereby is reversed and that the Appl't go without day.]

[Records Sup. Ct. Jud. 1725-1729, fols. 41, *verso*, 42.]

[Edwards adj Dom Regis

Malchy Edwards applt adjectum Domini Regis, From the Judgm't of a Court of General Sessions of the peace held at York for the County of York on the first Tuesday of July last past [1725] where the appl't was bound over, to answer [fol. 42] To a Complaint Exhibited against him for refusing as Constable to obey the Commands of John Wheelwright & Joseph Hill Esq's., two of his Maj'ties Justices of the peace requiring him to Execute the same on the fifth of May last, and for laying hold of Mr Justice Hill in a Contemptuous manner & Commanding him to go & stand Guard over a prisoner then Committed to him by the sd. two Justices, At which sd Court the sd Malachy Edwards was ordered to pay a fine to His Majesty of Ten Pounds and Fees of Court. And now after a full hearing of the sd Complaint, It's Considered by the Court that the former Judgm't of the sd Court be and hereby is Reversed, and that the Appl't go with out day]

[S. F. 18,543(1)]

[York Ss To the Sheriff or Marshall of the sd County of York or Either of his deputies Greeting

Whereas Danil Morrison of Wells in sd County did on the 5th day of this Inst. May at a Gen'l. Town Meeting at Wells aforesd. in the presence of us the Subscribers two of his Maj'ts Justices of the Peace & the face of that Assembly before a Moderator was Chosen or the Meeting Regulated but Rather in a Confused tumult or disorder by a great number speaking at once with a loud Voice Express'd himself & Say (We will have our Vote for our Minister in Spite of you all) which Threatning Speech hath a great Tendency to the Breach of his Majesties Peace and Disturbance of his Good Subjects

These are therefore in his Maj'tys Name to Require you forthwith to Apprehend the Person of the Said Daniel Morrison & him Safely keep so that you have him as soon as may be before us Either of us or some others of his Majesties Justices of the Peace to Answer unto such Matters or Misdemeanours as on his Maj'ts Behalf Shall be Objected Against him in the Premisses to be Proceeded against According to Law hereof fail not & make due Return of the doings herein on Penalty of the Law in that Case made and Provided

Dated in Wells the 15th day of May in the Eleventh year of his Maj'ts Reign

Annoque Domini 1725

John Wheelwright } Justices
Joseph Hill } of the Peace

A True Copy Exam'd per Wm Pepperrill J. Peace

York Ss. York May 25 — 1725 pursuant to this within warrant to me Directed I Brought the Person within Mentioned before Wm Pepperrell Esq'r to Answer to What Shall be alleag'd against him

per Benja. Stone Und'r Sherife

A True Copie Exam'd per Wm Pepperrell J. Peace

A True Copie Exam'd per Charles Frost Cler

[S. F. 18,543(2)]

York Ss. 26th May 1726

Daniel Morrison being brought Before Wm Pepperrell Esq'r one of his Majesties

Justices of the Peace fr sd County to Answer to his Uttering Threatning Speeches as per the Process—

Its Considered that he give bond with Sureties to the Vallue of Ten Pounds for his appearance at the Next Court of Gen'l Sessions of the Peace there to answer to what shall be alleadg'd Against him on his Maj'ts Behalf Relateing to the Premisses.

[There follows memorandum of the bond: Sureties were David Littlefield and Bryce McClelland. Bond for appearance at the July Sessions, and for good behavior in the meantime.]

A true copie, etc.

[S. F. 18,543(3)]

[True copy of the record of the case in the Court of General Sessions of the Peace held at York, 6 July 1725.]

[Suffolk Files, volume 163]

[S. F. 19,328]

Malachi Edwards Appel't

vs

Dominus Rex appellee

[(1)] York Ss

To the Sheriff or Marshall of the Said County of York or either of their Deputys,
Greeting

Whereas Malachi Edwards Constable of Wells in Sd County at a General Town Meeting in Wells aforesaid on the 5th day of this Instant May was then Commanded in his Maj'ts name Several times by Joseph Hill Esq'r one of his Maj' Justices of the Peace for said County to take into Custody Daniel Morison of Wells aforesaid for Misdemeaning himself by Useing threatning Speeches in Sd Meeting tending to the breach & disturbance of his Maj'ts peace; Which Commands the Said Malachi Edwards Constable Neglected & refused to obey; Upon w'ch John Wheelwright Esq'r another of his Majts Justices gave the like Commands to Said Constable in his Maj'ts Name ading that he should take him the sd Morison out of the Meeting & Confine him under guard untill the Meeting was over On which the Constable Call'd out the sd Morison & Immediately Came to Justice Hill in a Contemptious Manner pulling him by the Sleeve of the Coat & Commanding him in his Maj'ts name to go & Stand guard over Morison, Still persisting in his disobeying authority by Suffering sd Morison to come into the meeting & Vote as not being under Committment; All w'ch Seemeth to be great Contempt in the Constable & disobedience to his Maj'ts Power & Authority

These are therefore in his Maj'ts Name to require you forthwith to Apprehend the person of the sd Malachi Edwards & him Safely keep So that you have him as soon as May be before us or either of us or Some other of his Maj'ts Justices of the peace to Answer to Such Matters of Misdemeanour as on his Maj'ts behalfe Shall be Objected against him in the premisses & to be proceeded against according to Law. Hereof fail not & make due return of Your doings herein on penalty of the Law in that Case made & provided.

Dated in Wells this 15th day of May In the Eleventh Year of his Maj'ts Reign Anno Domini 1725

John Wheelwright } Js of the
Joseph Hill } peace

A True Copie

Exam'd per Wm Pepperrell J. peace

A True Copie

Exam'd per Charles Frost Cler

[*Verso*:]

York Ss. May 25 1725

Persuant to the within warrant I have brought the person within mention'd before William Pepperrell Esq'r to Answer to what Shall be Aleadged Against him

Per Benj'm Stone
Und'r Sherife

A True Copie

Exam'd per Wm Pepperrell J: Peace

A True Copie

Exam'd per Charles Frost Cler

[19,328(2)]

York Ss May 26th 1725

Malachi Edwards, being brought before William Pepperrell Esq'r one of his Maj'ts Justices of the peace for sd County to Answer to his disobeying of the Justice in refusing to take into his Custody one Daniel Morison as Likewise for his unhansome Carriage to the Said Justice as per the Process. Its Considered that he give bonds with Sureties to the value of fifty pounds for his Appearance to the Next Court of General Sessions of the Peace, there to Answer to what Shall be aleadged against him Relateing to the premisses.

[There follows memorandum of Edwards' bond in £50, David Littlefield and Bryce McClelland, sureties, for his appearance and for his good behavior, etc.]

A True Copie of Record
Exam'd per Wm Pepperrell J.peac
A True Copie
Exam'd per Charles Frost Cler

The delinqu't pld's not guilty

Attest Charles Frost Cler

A True Copie Exam'd per Charles Frost Cler

[19,328(3)]

[*Edwards' Reason of Appeal, apparently in the hand of Benjamin Gambling, the Portsmouth attorney.*]

[*On the Fold*:]

Edwards v Dom: Reg:
Reasons of Appeal
Filed in the Office April
the 25th. 1726.
Att'. Benja. Rolfe Cler

[*Inside*:]

Dr.

To The Hon'ble The Justices of his maj'ties Court of Assize & Gen'll: Goal Delivery to be holden at York within & for the County of York on the 11th day of May 1726

Malachi Edwards appellant
vs: Dom Regem appellee

The appell'ts: reasons of appeal from a Judgm't: or sentence of his maj'ties Court of Gen'l: Sessions of the Peace holden at York within & for the county of York the 6th day of July 1725 The sd: Malachi Edwards being bound over to the aforesd: Court of gen'l: Sessions of the Peace by Wm Pepperill Esq'r one of his maj'ties Justices of the

peace for sd County for that he the sd Malachi Edwards being constable of the Town of Wells at a publick Town meeting at Wells aforesd: on the 5th day of May last [*i.e.*, 1725] did refuse to obey the Commands of the Hon'ble Jno: Wheelwright & Joseph Hill Esq'rs Tow of his maj'ties Justices of the peace requiring him in his maj'ties name to Execute the Same also for that the sd: Malachi Edw'ds: did at the same time in a contemptuous manner in the face of the assembly lay hold of Mr: Justice Hill & command him to go & stand guard over a Prisoner then committed to him by the sd two Justices as per the process is set forth & express'd. It was considered by the Court that the sd Malachi Edwards pay a fine to his Maj'tie of Ten pounds & fees of Court Thirty one shillings & 3*d*: & that he give bonds for his good behaviour till the next Sessions & Stands committed till the sentence be performed which Judgment or Sentence is wrong & Erroneous & ought to be reversed for the reasons following

1. for that the Appellant then Defend't was fined Ten pounds & ordered to pay Costs of Court &c whr'as the Judgment should have been that the Defend't: the now appell't: be acquitted &c.
2. Because the appell't: did not refuse to obey the sd: two Justices Command but Executed the same by taking the persons [*sic*] into Custody as required.
3. The Appell't. being then a Sworn officer had power to comand Assistance & wh'n he required Mr. Justice Hill to assist him he did not do it in contempt of sd: Justice
4. The Appell't: desired & prayed the benefit & privilege of being Tried by a Jury at the sd Court of Sessions⁵⁸ but was denied that Liberty &c all which being considered by yo'r: Hon'rs Yo'r appell't: humbly hopes that yo'r: Hon'rs & the Jury will see cause to reverse the former Judgm't: or Sentence & Acquit yo'r: Appell't: & allow him Costs &c

Dated 22d: Aprill
1726

Malachi Edwards

[19,328(4)]

[Attested copy of the entry of judgment of the Court of General Sessions of the Peace
6 July 1725.]

[19,328(5)]

York Ss

At a Court of General Sessions of the Peace holden at York the 6th July 1725.

Dominus Rex Complain't

vs

Malachi Edwards, Def't

Complain'ts bill of Costs	
vizt	
Justice Pepperell 9 <i>s</i>	0 = 9 = 0
Sheriff 7/9 Clerk 2/6	0 = 10 = 3
Justices of Wells 1	0 = 1 = 0
Kings Attorney 10 <i>s</i>	0 = 10 = 0
Taxing	0 = 1 = 0
	<hr/> 1 = 11 = 3

Exam'd

per Charles Frost Cler

⁵⁸ Note that the Clerk did not include this request for a jury in his record of the proceedings. *Supra*, 197.

Cost allowed one pound Eleven Shillings & three pence

A True Copie

Exam'd per Charles Frost Cler]

[7:92]

Benjamin Weltch, Simon Emery, John Neal, Francis Allen, Jun'r, David Sawyer, Richard Thurla & Thomas Musseet Appearing to Answer a presentment of the grandjury Exhibited against each of them for presuming to vote not being Quallified &ct, They putting themSelves upon Tryal by a jury Specially appointed & Sworn for that purposs who went out thereon & returned their verdict Specially in the words following vizt (they find the Def'ts not guilty Except there be a Law that requires a voter Quallified to bring Evidence to the Town Meeting that he is Qullified), And inasmuch as it appears by the List of rates they were not Quallified at that time by the Law directing the quallification of Voters in Town affairs & were So found by the grand jury upon their Oaths, Its Considered by the Court that they be Admonished to Conform themselves Accordingly for the future & that they pay Costs of Court £3:17:0 & Stand Committed till Sentence be perform'd. The Sd. Benjamin Weltch, Simon Emery, John Neal, Francis Allen jun'r, David Sawyer, Richard Thurla & Thomas Musseet Appeals from the above Sentence to the Next Court of Assize & General Goal delivery to be holden at York for Sd. County.

Mem'dm the Sd. Benjamin Weltch, Simon Emery, John Neal, Francis Allen jun'r, David Sawyer, Richard Thurla & Thomas Musseet Principals Timothy Waymouth of Kittery & Jno Smith of York Suretys acknowledge themselves to be holden & Stand firmly bound & Obleiged joyntly & Severally in the penall Sum of twenty pounds Currant money of New England to be paid to our Sovereign Lord the King his Heirs or Successors if the Said Benjamin Weltch, Simon Emery, John Neal, Francis Allen jun'r, David Sawyer, Richard Thurla & Thomas Musseet Shall make default in the proscicuting of their Sd appeal with Effect. Also if they be of Good behaviour in the Mean time towards his Maj'ty & all his Leige people

Taken in Court Attest. CHARLES FROST Cler

The Names of the Jury that tryed the above Case were vizt

Cap'tn Peter Nowel Forem'n
Sam'll Sewel
Elihue Persons
Lewis Bane
James Grant
Micom Mackintire

William More
James Frost
Nath'll Tarbox
Joseph Holt
Caleb Prebble
Joseph Abbot

[*The appeal*: Superior Court of Assize and General Gaol Delivery held at York 11 May 1726.

Lynde, Davenport, Dudley, Quincy, J J.

* * * * *

Welch adj. Dom' Regis

Benj'a Welch and others Appl'ts adj Dom Regis From the Judgm't of a Court of General Sessions of the peace held at York for the County of York on the first Tuesday of July last past where they were found Guilty of Voting not being qualified according to Law & admonished and ordered to pay Costs. And now the Appl'ts paid the sd sum of £3:17 to Mr Sheriff Moulton, and Suffered themselves to be non suit afterwards for non appearance.]

[Records Sup. Ct. Jud., 1725-1729, Folio 42.]

[S. F. 19,324(1)]

York Ss: To the Honourable the Justices of his Majesties Court of Assize and General Goale Delivery to be holden at York in and for the County of York on Wednesday the Eleventh day of May 1726

Benjamin Welch, Simon Emery, Jno Neal, Francis Allen, jun'r, David Sayer, Rich'd Thurla & Thomas Muzeet Appellants, Versus a Presentment of the Grandjury on the Petition of Wm Leighton &c.

The Appellants reasons of Appeale from a Judgment of a Court of Generall Sessions of the Peace holden at York . . . the 6th day of July 1725.

The Case was a Presentment of Our Grandjury Ag'st the Appellants for Breach of Law—which was grounded on the Complaint of Wm Leighton and others for that the Appellants being not qualified did yet presume to Vote in the choice of Town officers in the Town of Kittery at their Meeting held on the 31st of March 1725. Which being committed to the Jury they found Specially, Vizt. They find the Defendants not guilty, except there be a Law that requires a Voter qualified to bring Evidence to the Town Meeting that he is, and Judgment was Entred up ag'st them, Vizt. Inasmuch as it appears by the List of Rates they were not qualified at that time as the Law directing the qualification of Voters in Town Affairs, & were so found by the Grand jury upon their Oaths. It's Considered by the Court that they be Admonished to conform themselves Accordingly for the future and that they pay Costs of Court—3-17-0 and Stand Committed till Sentence be complied with

Which Judgment is wrong and erroneous and ought to be reversed for the following reasons

- First That wh'as the Judgment was that the Defend'ts the now appellants Should be admonished and that they pay costs 3-17-0 It should have been that they should be acquitted and recover costs of the Complainants
- 2ly Altho' there be no positive averment in the Judgment that they are guilty of the presentment, yet the words of the Judgment carry in them an Implication that they are guilty—The Judgment is that they be admonished—which fully implies that they are guilty of what they were charged with, and that charge is that [they] have done something contrary to Law.
- 3ly The Law which they are charged to have broken is no where mentioned, nor to be known by the Title or recital of the Words thereof which is required in all Complaints or Indictments
- 4ly The Judgment ought to pursue the Verdict, which is especial. Vizt that they were

not guilty Except that there be a Law that required a Voter qualified to bring Evidence to the Town Meeting that he is qualified So that unless such a Law appeared the Court should have Acquitted them & given them costs, for the Law is that every Informer shall pay costs, If Verdict goes ag'st him, as in this case

So that your Appellants hope your Honours and the Jury will reverse the former Judgment and give them costs.

Thomas Phipps Attorney
pro Appellants

26 [*or 21*] Aprill. 1726.

[19,324(2)]

Our Sovereign Lord the King Plaintiff & Benjamin Welch & all the Rest Defendants the Jury finds the Defend'ts. not guilty Except there be a Law that Requires a voter Quallified to Bring Evidence to the Town Meeting that he is Quallified

Peter Nowell

A True Copie Exam'd

per Charles Frost Cler]

[7:93]

ANNO REGNI REGIS GEORGII DUODECIMO

At a Court of General Sessions of the Peace holden at York within & for the County of York October the 5th, 1725, Present John Wheelwright, Joseph Hammond, Sam'll Moodey, Wm Pepperrell Jun'r, John Penhallow, Joseph Hill & Sam'll Came Esq'rs.

The Grand Inquest are as followeth

Jonathan Bane Form'n

Joseph Prebble

Daniel Junkins

Ralph Fernum

John Furbush

Samuel Tobey

Richard Rice

Clem't Dearing

Josiah Winn

Tho's Kilpatrick

Benjamin Hatch

Robert Knight

Etherington Hearl

John Jordon Appeared to Answer his presentm't for not attending the Publick worship of God on the Lords day & being thereof Convicted Its Considered by the Court that he pay a fine to the poor of the Town of Kittery of 20s & fees of Court 7s or if unable to pay to be set in the Stocks one hour.

Samuel Littlefield appear'd to this Court & own'd that he was guilty of the Act of fornication with Elizabeth Goodall his now wife. Its Considered he receive Seven Strips on his Naked back or pay a fine of 30s to the King & fees of Court 5s & Stands Committ'd till Sentence perform'd.

Elizabeth Goodall, Now the wife of Samuell Littlefield being presented for fornication, her Sd Husband appearing to this Court & making Excuse that it being dangerous times of the Indian Enemy was the

reason his Sd wife did not appear to Answer her Said presentment; Its Consider'd by the Court that She be heard before the Hon'ble John Wheelwright & Joseph Hill Esq'rs two of his Maj'tys Justices of the peace for Sd County & that they make report thereon at the Next Court of General Sessions of the peace to be holden at York for Sd County on the first Tuesday in January Next.

Jehannah Donnill now the wife of Wait More Appeared to this Court to answer her presentment for fornication She owning the fact, Its Considered She receive Seven Strips on her Naked back at the post & pay fees of Court 7s or that she pay a fine to the King of 30s & fees as aforesd. & Stands Committ'd. Wait More appeared to this Court & own'd that he was guilty of the act of fornication with Jehannah Donnill his now wife. Its Considered that he receive Seven Strips on his Naked back & pay fees of Court 5s. or that he pay a fine to the King of 30s. & fees as aforeSaid & Stands Committ'd.

[7:94]

Joseph Kene of Kittery Appell't from a Judgment of Joseph Hammond Esq'r one of his Maj'tys Justices of the peace for Said County for Assaulting beating wounding & threatning Thomas Boothby of Sd. Kittery as set forth in the Judgment of the Sd Justice as on file appears being Adjudged to pay of fine of ten Shillings to his Maj'ty & fees twenty one Shillings the Sd Joseph Kene Submitting himselfe to the Judgment of the Justices of this Court, Its Considered by the Court that the former Judgment be Affirmed & that the Sd Kene pay Cost of Court 28s & Stands Committ'd till Sentence performed.

Sarah Kene, Thomas Boothby & Lydia Boothby being bound over to this Court by William Pepperrell Esq'r one of his Maj'ts Justices of the Peace for Sd. County for Scandalizing Joseph Kene as per the Recognizence on file appears, No Evidence Appearing to Convict them Its Considered by the Court they be Acquited paying Cost of Court 50s6 & Stands Committed till Sentence performed.

[Y. F. 1725-1726, No. 3]

[A double sheet containing the record of the hearing before William Pepperrell, Jr., J.P., July 29 and July 30, 1725.]

- (1) [Summons by William Pepperrell, Jr., J.P., at the complaint of Joseph Kene, for the appearance of Sarah Cane [Kene], Thomas Boothby and Lydia Boothby. Dated 28 July, 1725. (2) Paul Wentworth, Deputy Sheriff, returned that he had brought the persons named in the warrant before Justice Pepperrell, "Except Tho's Bouthby w'ch I could not find."]

(3) [Summons for the appearance of Withers Berry, Nathaniel Cane [Kene], Benjamin Furnald, Joanna Stevens and Mary Rice, to give evidence in the matter. 28 July 1725.]

(4) Withers Berry of full age testifieth and Saith that yeasterday I this deponant heard Ledy Gusby⁵⁹ Say She was afraid Jo's Keen would Kill her husb'd Tho's Gusbe & that w'th a Soward or pestol or Sum Other weapen

The accuser was the son of Sarah Kene, and the brother and brother-in-law of the Boothbys. (*Gen. Dict. Me. & N. H.*, 394.)

Withers Berry

York Ss July the 29th: 1725

Mistress Sarah Ken & Ledy Gusbe personaly Appeared and own the above Deposition to Be true Before

Wm Pepperrell Js pce

A true copy

(5) The Deposition of Nath'l Keen of full age testifyeth & Saith that at Several times this Ins't Month I this Deponant have heard Ledy Gusby Say that Jo's Keen was a murderous [wretch?] and came Several times to Shoote her & cutt her down w'th an ax and that She was afraid of her Life of him and also I remember that Tho's Gusby Several times Said that Jo's Keen came w'th an ax Several Times to Kill him, I also remember that My Mother Sarah Keen Said Several times that She was afraid of her Son, Jo's Keen would Shoot her or Kill her with an ax

York Ss. July 29th: Sworn before Me

Wm: Pepperrell Js pce

A True copy

(6) The Deposition of Benja Fernald testifieth and Said that Sum time in this Ins't July that Sarah Keen was at my house & that I heard her Say that Jo's Keen thretnd that he would kill Tho's Busby w'th a pistol & that he was resolved he would carry a Soward & pistol about him, & further Saith not

York Ss July 29th 1725

Sworn before Me

Wm: Peppereell Js: pce

A True copy

(7) The Deposition of Joanah Stephens Testifieth and Saith that Sume Small time agoe I heard Lydia Bosby Say that She heard Jo's Keen was agoing to Kill her & that She was afraid of her Life for She Sd he thretnd her Life & further I heard Tho's Bosbe Say he feard Jo's Keen would Kill him & further Saith I heard Sarah Keen Say that Jo's Keen held his Ax over Lydia Bosbys head & Said he would kill her

York Ss July 29th: 1725

Mistress Sarah Keen & Lydia Bosby personally appeared & owned the above Deposition to be true before Me

Wm. Peppereell Js: pce

A True copy

(8) Mary Rice of full age Testifieth that She heard Mistress Sarah Keen Say that Jo's Keen came w'th an ax Several times over Ledy Gusbys head and that Ledy Said She was afraid of her Life of him

⁵⁹ Note Berry's spelling of the name.

York Ss July 29th: 1725, Mistress Sarah Keen & Ledy Gusby personally appeared & Acknowledged the Above to be true

Before Me

Wm: Pepperrell Js: pce

A True copy]

In Answer to the request of Nathaniel Donnill of York for to keep a publick house of Entertainment, Its Consider'd that Inasmuch as he was not at home at the time of granting of Lycences & he having a Considerable Stock of drink by him that he have Lyberty to keep a publick house of Entertainment till the Next Court of General Sessions of the peace to be hold[en] at York for Said County.

Abigail Stover being presented for not Attending the Publick worship of God She Sending a petition to Aprill Court Last Seting forth She was not able to go to Sd Court In Answer to Sd Petition, It was ordered that She should be heard before Joseph Hill Esq'r one of his Maj'ts Justices of the peace for Sd County as per Sd Record appears and Sd Justice Hill makes return to this Court as on file appears in the words following, Mrs. Abigail Stover Appearing to Ans'r her presentm't as on the other Side Mention'd for not Attending the Publick worship of God, It appearing that She was hindered by Providence from Attending, Its Considered that She be acquitted paying fees of Court nine Shillings.

JOSEPH HILL Jus: Peace

[7:95]

In Answer to the Petition of Mr. John Woodbridge Seting forth that whereas he has had heretofore a priviledge of keeping a publick house of Entertainment &ct, & did not renew his Lycence at the time of Granting of Lycences & having a Stock of Lycure by him In Consideration for his providing for this Court, Its Considered that he have Lyberty to keep a publick house of Entertainment till the Next Court of General Sessions of the Peace to be holden at York for Said County.

[Y. F. 1725-6, No. 3.]

[*Exterior:*] Mr. Woodbridges petition

York Ss

To the Worshipful the Justices of his Magesties Court of Gen'll Session of the Peace Setting in York in the County of York the 5th day of October. 1725

The Petition of Jno. Woodbridge of the afore sd York humbly Sheweth that wh'as Your Petitioner has heretofore had the Privilege of keeping a publick house of Entertainment by the Licence of this Worshipfull Court, which Licence Your Petitioner has not now renewed, and Yet has some of the Stores of Liquor &c remaining on his hands which [*illeg.*] will be a Sufferer by, if he have not Your Worships licence to Sell by

Retaile in his house which he therfore humbly prays you will be please to grant to him until the next Sessions, and your Petitioner Shall ever pray as in duty bound &c

John Woodbridge

[*In another hand, a more elegant:*] John Woodbridge.⁶⁰

Ordered that three pounds be pd. out of the County Treasury to Mr. John Woodbridge for keeping Courts in his house which is in full discharge thereof to this date.

ANNO REGNI REGIS GEORGII DUODECIMO

At a Court of General Sessions of the Peace holden at York within & for the County of York Jan'r the 4th 1725/26—present John Wheelwright, Joseph Hammond, William Pepperrell jun'r, Joseph Hill & Sam'll Came Esq'rs.

The Grand Inquest are as followeth

[*One name stricken.*]

Rich'd Rice Form'n

Job Burnum

Joseph Prebble

Daniel Junkins

Ralph Fernum

John Furbush

Sam'll Tobey

Clem't Dearing

Josiah Winn

Thom's Kilpatrick

Benj'm Hatch

John Davis

Robert Knight

Etherington Hearl

Joseph Hartford appeared to this Court to Answer his presentm't for profane cursing & being Convicted Its Considered by the Court that he pay a fine to the poor of the Town of Kittery of 5s & Cost of Court 8s & Stands Committed.

Thomas Jenkins Sworn in Court Sealer of weights & Measures for the Town of Kittery

John Spenney of Kittery Appel't vs Dominis [*sic*] Rex Appellee from a Judgment given against the Said John Spenney by William Pepperrell Esq'r one of his Maj'ts Justices of the Peace for Sd County as per the Recognizence on file appears; Its Considered by the Court that the Sd. Sentence be reversed, the evidences not being Sufficient to prove the Compl'a't & that the Said John Spenney be acquitted paying Costs of Court 38s5 & Stands Committed.

[Y. F. 1725-6, No. 5.]

[1. *Attested copy of the warrant issued by William Pepperrell, J.P., 1 November 1725.*]

York Ss To the Sheriff of the sd county of York his Under Sheriff or Deputy or Constable of the Town of Kittery Greeting

Whereas complaint is this day made to me the Subscriber one of his Maj'tys Justices of the peace for sd county by Sarah Keen of Kittery aforesaid widow, that on or about

⁶⁰ Which of these is Woodbridge's signature, this editor does not know.

the 21st day of October last past, John Spinny of Kittery aforesaid weaver did Scandalize & abuse the sd Sarah Keen in Saying She was a witch & at the Same time Swore by God that She was a witch & Said he could prove it, w'ch words where [*sic*] Spoke by sd Spinny at his fathers house in Kittery aforesd. These are therefore to require you in his Maj'tys Name that you forthwith apprehend the sd John Spinny & him forth with to bring before me the Subscriber or Sum other of his Maj'tys Justices of the peace for sd county to answer to what shall be Alleag'd against him on his Maj'tys behalfe relating to the premises as Likewise to the sd compl't. Hereof faile not at your peril. Dat'd in Kittery this 1st day of Nov'r in the 12th year of his Maj'tys reign Anno: Domini 1725.

Wm Pepperrell

A True Copy Exam'd by Wm Pepperrell J: peace

You are likewise required to give personal Sumons unto Esther Keen, Martha Ryce, Mary Ryce & Rob't Cole that they appeare as above mention'd to Testifye to the Truth of what they know relateing to the premises

Wm. Pepperrell J: peace

A True Copy Exam'd
by Wm Pepperrell J: peace

[*Reverse:*]

York Ss.

2nd Nov. 1725

Pursuant to the within warrant to me direct'd I have apperehend'd the body of John Spinny & Sumon'd all the within nam'd persons

per Nath'l Fernald Constable

A True Copy Exam'd

per Wm Pepperrell J. peace

[2. *Pepperrell's report of the hearing before him.*]

York Ss. Nov'r 2d 1725:

This day John Spinny was bro't before Wm Pepperrell Esq'r one of his Maj'tys Justices of the peace for sd county for Scandalizeing and abuseing of Sarah Keen on the 21st day of October last past in Saying She was a witch as per the process; Several Evidences being taken & the case being fully heard Its considered that the sd John Spinny pay a fine to the Use of his Maj'ty of five Shillings & fees of Court 33-5 and give bond with Sufficent Surety for his good behaviour untill the Next Sessions. The sd John Spinny appeals from this Judgm't to the next Court of gen'l Sessions of the peace to be holden at york for sd county and the sd John Spinny principle, George Finex and Paul Williams Suretys, Acknowledge themselves to be holden & Stand firmly bound and Oblig'd unto our Sovereign Lord the King in the penal Sum of five pounds lawfull money [*etc.*]

[There follows the condition, and the bond memorandum of Spinny and his sureties for his appearance, and for his good behavior "in the meane time." This is an attested copy.]

[The next five papers in the case are depositions taken at the Justice's Court on 2 November, 1725. The witnesses were clearly brought in by the complainant, Sarah Kene.]

[3.] The Deposition of Easter Cane of full age testifyeth and Saith that on or about the twenty first day of October Last past I this depon't was at the house of Mr. Sam'l Spinnys & Jno. Spiney the Son of the Said Sam'l Spinny told me that my mother was a Damn'd witch & Said by god he could prove her one by a dosen wittness's and further Saith not

York Ss: 2d Nov'r 1725: Sworn before me

Wm: Pepperrell J: peace

A True Copy [*etc.*]

[4.] [Martha Rice of full age gave the same testimony as Esther Kene: that she was with Esther Kene at Samuel Spinney's house, 21 October 1725, and heard John Spinney say that Sarah Kene "was a dam'd witch," and that she (Martha Rice) heard him make the same offer to prove it.]

[5.] The Deposition of Mary Rice of full age Testifieth and Said that Sarah Cane told me that Jno Spenny did deny that Ever he told me this depon't, that he was rid up from the Eastwards & tyed to Mistress Canes plum trees & Sum time in October last past the sd Jno. Spinny came to my house & I askt him why he deny'd to Mistress Cane that he told me so, butt he sd he never deny'd it to her nor never would butt allways tho't She was a witch and never Should think other wise as long as he did live, and further Saith not

York Ss: Nov: 2d 1725
Sworn before

Wm: Pepperrell Js P'ce

A True copy [etc.]

[6.] The Deposition of Rob't Cole of full age testifyeth and Saith that I have Several times heard Jno Spinny Say that he beleved that Sarah Cane was a witch, and that he never Should think other wise as long as he lived, for he had Very good reasons to think so, and further Saith not

York Ss: 2d Nov'r 1725:
Sworn before mee

Wm: Pepperrell Js: p'ce

A True copy [etc.]

[7.] The Deposition of Moses Rice of full age testifyeth and Saith Sum time in October last past Jno. Spenny came to My Mothers house & I this depon't heard my mother ask the sd Jno Spinny why he did deny to Mistress Cane that he told her that he was rid up from the Eastw'd & tyed to Mistress Canes plum trees; and he sd he never did deny it nor never would: but Should allways think She was a witch as long as he leiv'd, and further Saith not

York Ss: Nov'r 2d 1725
Sworn before me

Wm: Pepperrell J: p'ce

A True copy [etc.]

[8.] [*The bill of costs, charged to Spinney:*]

The Cost Allow'd ag'st John Spinny the 2d Nov'r 1725 where he is fin'd to the King before Wm. Pepperrell Esq'r, Vizt

To the warrant, 5 supeners }	12 : 2
& Justices Fees }	
5 Evid'ces	10 :
Sarah Cane the Compl't	4 :
Constable	7 : 3
	<hr/> £1 : 13 : 5

A True copy Exam'd
per Wm Pepperrell
J: peace

[Dissatisfied with the outcome of the trial at Col. Pepperrell's court, Spinney appealed to the General Sessions of the Peace.]

[9. *Spinney's "Reasons of Appeal."*]

York Ss To the Honourable the Justices of his Majesties Court of Gen'll Quarter Sessions of the Peace to be holden at York in and for the County of York the First Tuesday of January, 1725/6

John Spinny of Kittery Weaver, Appellant

vs

Sarah Keene, Appellee

The Appellants reasons of Appeale from a Judgment obtained against him at a Justices Court holden at Kittery in sd County of York before Wm Pepperrell Esq'r. one of his Majesties Justices of the Peace of the sd County on the Second day of November 1725, brought before the aforesd Mr Justice Pepperrell for that the sd Appellant had Scandalized and abused the sd Keene in Saying She was a Witch as per the Records appear, the Complainants Allegations and Pleas being heard, the Justice ordered the sd Spinny to pay a Fine to the use of his Majesty, Five Shillings and cost of Court Thirty three Shillings and five pence &c which is wrong and Erroneous and ought to be reversed for the reasons following, Vizt.

- 1st The Justice should have given Judgment for the Appellant for his cost
- 2ly The Judgment was wrong and erroneous, because in order to have past a good and legal Judgment on the Complaint brought before the Justice, it was necessary in the Law, he Should have put the Defend't upon Pleading to it, which he did not doe, He [*Spinney*] gave no Plea to the Complaint and in as much as he gave no Plea and so did not join Issue, no Judgment can be past in the Law.
- 3ly If the Defend't refused to give a Plea, Judgment should have past ags't him upon a nihil dicit, and since the rule of the Law was not therein attended, the Case falls to the ground, and the Complainant can obtain no remedy

These reasons with what else may be offered on tryal being considered, your Appellant hopes that your Honours will see cause to dismiss the case and find cost for your appellant

22d December 1725

Jno Spinny

Received, Dec the 24th 1725 per Charles Frost Cler

[On November 10, Spinney produced two "evidences" who testified as follows before Justice Pepperrell. The first is Paul Williams. There had long been bad feeling between the Williams and Kene families.⁶¹ On the reverse of Williams' testimony, the notation: "Paul Williams & Eliz'a Trickeys Affidav'ts."]

[10.] The Depotion [*sic*] of Poll [Paul] Williams of full age Testifieth and Saith: That he was at the house of Sarah Cane Some Time in October Last: and Jno: Speney Being there, he and the Said Sarah Cane having Some Difference, She haveing a Bridle in her hand Said She Could not find her mare and She Would Ride the Said Jno: Speney Down to Collonel Pepperrells. The Said Williams further Saith that her Dafter Easter Cane Took the Bridle from her mother Saying She would make the head of the Bridle shorter and fit it for Said Spineyes head, and ride him her Self

York Ss Nov'r 10th 1725

Paul Williams appearing made oath to all above written Mistress Sarah Cane haveing notice to be present

Wm Pepperrell Js: peace

[11.] The Deposition of Eliz'a Trickey of full age testyfieth and Saith that She heard

⁶¹ See *Prov. and Court Records* IV, 284-287.

Sarah Cane Say that John Speney was a Roge and a Lying rouge and a theifish rouge and a Begerly rouge and She Swore by god She would Be revenged of him. Likewise her dafter Easter Cane Sware that She would likewise be revenged of him the Said John Spiney; Likewise Tho's Buth'by Cursed and Swore Bitterly and Wished to god that he had John Spinnyes heart [?] in his hand and the sd Eliza' Trickey further Testifyeth that She realy thinks (By Sum Actions) that Sarah Cane is a witch, for one night She (Said Eliz'a Tricky) Loged w'th the Said Sarah Cane and She heard a Sucking in the night w'ch so frightened her that She could not Sleep all the night

York Ss: Nov'r 10th 1725: Eliza Tricky appearing made oath to all above written, Mistress Sarah Cane haveing notice to be present

Wm: Pepperrell J. p'ce

[On December 31 more testimony was taken, this time before Joseph Hammond, J.P. The first two "evidences" were brought in by Spinney: it is to be noted that Sarah Kene was warned to be present.⁶² These statements, by William and "Nemie" [Naomi?] Thomas are written in a very crude and untutored hand, and seem to implicate both Sarah Kene and Matthew Rice.]

[12.] Willam Tomas saes that Mathew Ris [Rice] will swer and Cors [*curse*] and did say that she [*doubtless Sarah Kene is meant here*] wol [*will? would?*] split the branes of wilam Thomas out

[*On the same sheet of paper:*]

Nemie [Naomi?] Tomas sas that Mathew Ris Last somer Did curs god dame your blod if you toch me I will Split your brans out

York Ss. Dec'r 31st 1725

Wm Thomas & Miles Thomas made Oath to the truth of all above written Sarah Kene being notified to be present

Coram Jos Hammond J: Pac

[Certainly the most remarkable testimony is that which follows, also taken on December 31 before Justice Hammond.]

[13.] The Deposition of Elizabeth Pettegrew of full age Testifyeth & Saith that Some time in the Month of August five years ago last August, about nine or Ten of the Clock in the Night as She was at the Door of her house [*she*] heard a noyse of People Talking down the Country road Towards Nath'l Kenes. She went to the Side of the road and Imediately Saw Sarah Kene on horse back [*one word scratched out here.*]⁶³ with the head of a riding hood on her head & a white handkerchief about her neck the moon Shining very bright and the Depona't was So near that She Could have took her by the hand, And with sd Sarah Kene were Seven [*Hole here: one short word is missing.*] horses double haveing fourteen women on them, as they Appeared to her they follow'd Each other and Talked and Laughed Loud & Seemed to be very Merry but She did not hear Sarah Kene Say anything. The Depona't further Saith that upw'd of 20 years Since, She was walking with Sarah Kene in the field, sd Kene Asked the Depona't if a person might not be a witch & not know it. The Depona't replied She thought not, Kene Said her Mistress had often told her She might And Said She was doubtfull of herselfe that She was one by reason [*partly torn on the fold, but apparently: of a Teat*] or dugg which grew under one of her [*torn: apparently breasts which*] She Shew'd the Depona't and it was then as big as a young womans Niple; about four years Since, the Depona't being at John Shepards house one of his Children being Dead Sarah Kene Came in and was

⁶² Cf. An Act for Taking of Affidavits out of Court, 1 *Acts and Resolves*, pp. 225-226.

⁶³ The struck word seems to be "alone," which is at least interesting.

very full of Talk about witches and Said that She was afraid of herselfe that She was one formerly by reason of a Teat as above which She Said was not So big now as formerly and did then Shew it to the Depona't Againe and it did not Appear to be So big as formerly

York Ss. Dec'r 31st: 1725. Elizabeth Pettegrew made Oath to the truth of the Above Deposition Sarah Kene being Notified to be present

Coram Jos Hammond J: Pac

[*On the reverse:*]

The Deposition of Margaret Spiney of full age Testifyeth that about Twenty years Since, She Saw a Teat or dugg under one of Sarah Kenes breasts and asked her if She had Two Niples on one breast. She replied No, it was a Wart, but Said She was afraid in the time of the Witchcraft She Should be Taken up for a witch. About three or four years ago She Saw the sd Teat againe & it was much [*partly torn. Perhaps less*] than before

York Ss. Dec'r 31st. 1725,
Margaret Spinney made Oath to the truth of the above Deposition Sarah Kene being notified to be present,

Coram Jos: Hammond J: Pac

[*Just beneath, partially rubbed out:*]

Dan'l Kenniston Testifyeth that Some time [*no more.*]

[Four other persons testified on December 31st, before Justice Hammond. These four, Paul Wentworth, Lydia Boothby, Thomas Boothby and Nathaniel Kene (Sarah's son) deposed in support of the accused "witch."]

[14.] The Deporsion [*sic*] of Paul Wentworth Doth testifie and say that nere abouts 4 years past John Spenny Cam to my hous and I heard him say that M's Keen had Rodd him up from Estward and I said No I Beleve it Not and he said yes—By God M's Cain had Rodd him up from the Estward and som tim sence I heard M's Keen ask him what maid him say such thing of her and he Denyed it and said he never said aney Such thing

York Ss. Dec'r 31st 1725 Paul Wentworth made Oath to the truth of the Above Deposition, John Spinney being notified to be present

Before Jos. Hammond J:Pac

[15.] The Deporsion of Lydia Bothby Doth testefi and say that nere abouts three years past I this Deponoun did here John Spenny Say that he wished he might Be Damned to all Eternity If Ever he said my [*i.e., Lydia Boothby's*] mother Rid him up from the Estward [*added above line: and tied him to her dore*] and Said he wished [*they? them?*] might Be Damned that Raised them Lyes to say that he said so of my Mother Sarah Keen. indeed said he I was Rid up from the Estward and tied to my one [*own*] Doore and there Remained three Hours said he and Could have Slipt of [*f*] my Bridel But what would people have said of me to be one day at the Estward and the Next day here at whome [*sic.*] and further be said that he never said My Mother Sarah Keen had Rid him any ware nor never did say any harm of my Mother Sarah Keen he S'd.

York Ss. Dec'r 31st: 1725, Lydia Boothby made Oath to the truth of the Above Deposition, John Spinney being Notified to be present.

Before Jos: Hammond J: Pac

[The next two depositions are on one sheet.]

[16.] The Deporsion of Thomas Bothby Doth testefi and say that nere abouts ten months past John Spenny was at the House of Mistress Sarah Keen and M's Keen asked him what maid him say that She Rodd him up from the Esward to her hous and he

Replied and Said that he Wished he might be Damed [*added between the lines:* and Burn in hell fire] If Ever he said any Such thing.

York Ss. Dec'r 31st: 1725 Thomas Boothby made Oath to the truth of the Above Deposition John Spinney being Notified to be present

Before Jos Hammond J:Pac

The Deporsion of Natha'll Keen Doth testefi and Say that nere aboutes three years past I this Deponon was in Company with John Spenney at the hous that is now my Mothers and I asked him what maid him say that my mother had Bewicht him and Rodd him up from the Estward and he Replied and said he never said any Such thing of my Mother indeed said he I was Rodd up from the Estward to my owne hourse [*possibly house was meant here?*] and a Nerish [an Irish] woman Rood me up that lives at the Estward said he

York Ss. Dec'r 31st. 1725. Nath'l Kene made Oath to the truth of the Above deposition John Spinney being Notified to be present

Before Jos Hammond J: Pac

[The last five papers in the case are depositions taken at or just before the January sitting of the Court of General Sessions of the Peace.]

[17.] Joseph Keen of Full age Testifieth that some Time in the Month of august Last past I being at the house of John Spenney and the sd Spenney and I had some words and the sd Spenney Told me That my Mother was a witch & that he would make it appear and the sd Spenneys wife Told her husband that she belived he never Thought so

York Ss Jan'ry the 4th 1725-6
Sworn in Court

Attest Charles Frost Cler

[18.] The Deposition of Nathan Spinney and Phebee Shepard of full age Do testefy and say that we these Deponants were att the house of our father Spenney on the 21 of october Last past or there a bout there Being present John Spinney and hester Caine, and the said Hester Caine Began to Sing a Song in Derision of the said John Spinney and asked the said Spinney If it were not true and acted Severall foolish actions which we Judge was to provok him to anger and att Last they fell into a Discourse about Mistris Cains Being a Witch and Hester Caine asked the said Spinney whether he would or Could Say her mother was a Witch and Could prove her so. Said Spinney Replied he would not say She was a witch or that he would or Could prove her on[e] But he Believed she was a witch and a Damd Eternall witch and Mathew Rice that has Given Evidence Relateing to this Discourse Layd asleep in and upon the Cradle to all outward apperance till the Discourse was over Concerning witch Craft.

Phebee Shepard further saith that John Spinney Bid the Company take notice what he said for he Counted she [*Esther Kene, presumably*] was for a Spy or a Catch

York Ss. Jan'ry 4th 1725
Sworn in Court

Attest Charles Frost Cler

[19.] The Deposition of John Harmon & Sam'll Remich both of full Age Testifyeth and Saith that Some Time in December last wee being at Mr Harveys at Portsmouth & Paul Wentworth Told us there that he went to Seize Thomas Bothby And if wee had Seen the Tricks that Mistress Kene had play'd Wee Should think as bad of her as John Spinney Did, for She Struck the fire and made it fly all over the house And then her Daughter Bothby began to groan & make a Noyse in the bed and the old Woman Called out and Said you have Scared my Daughter to Death. Then, said Wentworth, not You

nor all the Devils in Hell Shall not Scare me out of the house for I'le Tarry hear all Night to Gard Bothby, then Wentworth Said Ile Say No More. And these Deponants Further Saith Not

[*Reverse:*]

York Ss. Jan'ry 4 1725/6
Sworn in Court

Attest Charles Frost Cler

[20.] The Deposition of Tobias furnull of full age Doth Testefy and say that I this Deponant went to Portsmouth in Company with John Spinney Som time the Last Summer and I stayed there about a quarter of an hour and Returned again and made [a] Litle Stop att James Spinney[s] and from there we went to Mr John Addamses Landing and when we [*were*] pretty neare the sd Landing I this Deponant Judg'd that I saw a Canno Ly fastned to the shore Lying in and out and I this Deponant asked John Spinney whether there was not a Cannoey tyed or fastned to the Shore. John Spinney Replyed we shall see. By and By when we Come up to her I heard John Spinney Strik in the Watter and see him Pluck in his oare againe and I this Deponant asked the said John Spinney what he struck att. Said Spinney Replyed att Mother Kene or the Devil and we See no Cannoey Butt that we were in affterwards

[*Reverse:*]

York Ss. Jan'ry 4 1725/6
Sworn in Court

Attest Charles Frost Cler

[The last testimony was in the form of a deposition taken in New Hampshire, and sent to the Court by Samuel Penhallow, J.P. in that Province.]

[21.]

[*On the outer fold:*]

To the Honourable
His Maj'ts Jus'ts
of General Quarter
Sessions of the Peace &c
at York

[*Within:*]

Prov: of New hampshire

The Deposition of Peter Mow [?] of full age testifyeth, that on or about 12 months Since, as he was coming Nere Sarah Canes hous of Kittery, he heard a loud noise, as if Several together were in a frolick, upon which he moved Softly, and about two minutes after, he saw the said Sarah Cane alone, and then the noise ceas'd, Upon which he was somewhat startled

Portsm'o Jan'ry 5th 1725/6
Sworn before mee

Sam'll Penhallow Jus p'ce

Martha Rice of fourteen or fifteen years of age, did also testifie upon oath, before mee the subscriber, that sometime in October last, she heard John Spinny of Kittery call Sarah Cane, the Younger,⁶⁴ a damn'd Witch and at Same time swore by the Name of God, that he would prove her One.

Portsm'o Jan'ry 5th 1725/6
Attest per Sam'll Penhallow Justice p'ce

⁶⁴ Penhallow may have been confused. Martha Rice was certainly deposing about the events of 21 October, when Esther Kene was at the Spinneys' and heard John Spinney

[Elizabeth Trickey was one of the witnesses in the hearings before Justice Pepperrell on Nov. 10. On that same day the selectmen of Kittery took action to get her out of town as law provided.]

[Y. F. 1724-25, No. 7]

[Seal]

York Ss To the Constable of Kittery
within Said County Greeting

You are hereby Required in his Maj'tys name to give Personal Warning to Eliz'a Trickey whoe is Lately come into this Town to Sojourn that She forthwith Depart said Town on penalty of being Sent out as the Law Directs, and make due return under your hand According to Law Dated In Kittery the Tenth Day of
November 1725

Nathan Bartlett	
Richard Gowell	Select Men
John Thompson	
John Denet	of Kittery

[Reverse:]

The Within named Eliz'a Trickey Sojourned in this Town for the Space of two months or there about before She was Warned to Depart as under written

Kittery November the 10th 1725

Pursuant to the within Warrant to me Directed I have given Personal warning to the within named Eliz'a Trickey that She Should forthwith Depart this Town

Certified by me

Nath'll Fernald
Constable of Kittery]

Jacob Perkins was Clear'd of his bonds for his Good behaviour by Proclamation.

[7:96]

Mrs. Mary Prebble Administratrix to the Estate of Abra'm Prebble Esq'r late Treasurer of this County dece'd, Making a motion to this Court that there is some Mistake in the Settlement of the Sd. Treasurers Acco't, Ordered that the Same Committee which exam'nd Sd. acco't before vizt William Pepperrell jun'r & Sam'll Came Esq'rs, Eld'r Joseph Seward, Benj'm Stone & Daniel Simpson Examin It again & make report thereon at the Next Sessions in Aprill Next.

William Mogridge being brought to this Court for Stealing a Trap belonging to Nicholas Sewell as per the process on file appears, Its Considered by the Court that the Said William Mogridge received [*sic*]

accuse her mother. As far as this editor knows, there was no Sarah Kene "the younger." The Rice girl probably gave a statement that did not clearly distinguish between Sarah and Esther. Ambiguities abound in the written depositions of this period and place, with the antecedents of pronouns frequently not at all clear. There is no reason to think that oral testimony was any clearer to the person taking it down, especially if, as here, the writer may not have been very familiar with the principals in the case.

five Strips on his Naked back & pay fees of Court 20s6 or pay a fine to the King of 20s & fees as aforesd. Its also Considered that the Sd trap be restor'd to the Sd Nicolas Sewall & that the Sd Mogridge pay to the Sd. Sewall 40s which makes treble damage as the Law directs.

Nathaniel Donnell permitted to keep a publick house of Entertainment till the Next Court of General Sessions of the Peace to be holden at York for Sd County.

Andrew Spenny being bound over to this Court by Jos: Hammond Esq'r one of his Maj'tys Justices of the Peace on Suspicion of Stealing a horse from Dodavah Curtis of Kittery as per the process. The Sd Andrew Spenny puting himselfe upon Tryal by a jury Specially appointed & Sworn for that purposs who went out thereon & return'd, their verdict vizt they find the Sd Andrew Spenny not guilty. Its therefore Considered by the Court that the Sd Andrew Spenny be acquitted paying Cost of Court £4:4:4 & Stands Committed.

The Names of the jury that tryed the above Case were vizt

James Grant Form'n
Joseph Holt
John Frost
Sam'll Remick
John Shepard
Nath'll Donnell

Joseph Young
Samuel Bragdon jun'r
Jacob Perkins
Hezekiah Addams
Benajah Young
William Gowel

[7:97]

John Marriner being bro't to this Court for Stealing a Trap belonging to Jn'o Morrell jun'r of Kittery & being thereof Convicted Its Consider'd by the Court that the Sd John Marriner receive five Strips on his Naked back at the post & pay fees of Court 3*li*:12:10 or pay a fine to the King of 20s & fees as aforesd. Its also Considered by the Court that the trap be restored to the Sd Morrell & that the Sd Marriner pay to the Sd Morrell 40s, & for Nonpaym't thereof the Sd Jn'o Morrell is hereby Impowered to dispose of the Sd Marriner in Service to any of his Maj'tys Subjects for the Term of four Months.

Henery Miles being bro't to this Court by the Information and Complaint of Tho's Hercules Negro for Selling Strong bear or ale without Lycence As per the Compl't on file appears & no evidence appearing Sufficient to Support the Sd Compl't Its Considered by the Court that the Sd. Hen'ry Miles be Acquited paying Cost of Court 42s6 & Stands Committed.

Ordered that three pounds twelve Shillings be paid out of the County Treasury to Mr. Joseph Moodey It being the ballance of his Acc't pre-

sented to this Court for a book purchased by him for the Registering of deeds &ct. for this County as per the Acco't on file Appears.

Ordered that twenty five pounds Eight Shillings be paid out of the County Treasury to Cap'tn Jeremiah Moulton being the ball'ace of his Sheriffs Acco't As per the perticulers in the acco't on file Appears.

Whereas it appearing to this Court by the Affidavit of Manwarin Beal, John Maclucus, Joseph Lowel & Mark Sheppard that John Clark a Souldier under the Command of Coll'o Tho's Westbrook did in a whale boat go a board of a fishing boat of [off] of York harbour & did there very much abuse the Sd Manwerin Beal &ct threatening their lives as per the Sd affidavit on file Appears. Ordered that a process go out of the Clarks office to Apprehend the Said John Clark So that he may be had at the Next Court of General Sessions of the Peace to be holden at York for Sd County to Answer what Shall be alleadg'd against him on his Maj'ts behalfe relateing to the premisses.

[7:98]

Benjamin Johnson, Samuel Staples, William Hill, Sam'll Barto & Benj'm Gooze Appeared to this Court to Answer the Information & Compl't of Wm Mogridge; before Wm Pepperrell Esq'r one of his Maj'ts Justices of the Peace for Sd County for Assaulting throwing down & beating of the Sd Wm Mogridge; As per the Said Compl't & process; The Complainant not Supporting his Sd Complaint; Its Considered by the Court it be quash'd & that the Said Benj'm Johnson, Sam'll Staples, Wm Hill, Sam'l Barto & Benj'm Gooze be Acquited paying Costs of Court thirty Shillings & one penney apeace & Stands Committed. The Sd William Hill by his Master Joseph Bragdon & Samuel Barto by his Master Sam'll Clark Appeals from the above Sentance to the Next Court of Assize & General Goal delivery to be holden at York for Sd. County.

Memorand'm The Said Wm Hill & Joseph Bragdon principals Jacob Perkins & Samuel Black Sureties, Acknowledge themselves to be holden & Stand firmly bound & Obleiged unto our Sovereign Lord the King in the penall Sum of Ten Pounds to be paid to him or his Successors. The Condition of this Recogniz'ce is Such that if the above bounded Wm Hill & Joseph Bragdon Shall Appear At the Next Court of Assize & General Goal Delivery to be holden at York for Sd. County & their to proscicute their Sd. Appeal with Effect & in the Mean time to be of Good behaviour towards his Maj'ts & all his Leige People that their the

above recognizence to be void & of none Effect Otherwise to be & remain in full force Strength & Virtue.

Memorand'm Sam'll Barto & Samuel Clark as principals Jacob Pirkins & Sam'll Black Suretys acknowledge themselves to be holden & Stand firmly bound & oblig'd unto our Sovereign Lord the King in the penall Sum of Ten pounds to be pd. to him or his Success'rs. The Condition of this recogniz'ce is Such that if the above bounded Sam'll Barto & Sam'll Clark Shall appear at the Next Court of Assize & General Goal delivery to be holden at York for Sd County & there to proscicute their Said Appeal w'th Effect And in the Mean time to be of Good behaviour towards his Maj'ty & all his Leige people that then the above recogniz'ce to be void & of none Effect otherwise to be & remain in full force & Virtue.

Taken in Court—Attest CHARLES FROST Cler

[*The appeal:* Superior Court of Assize and General Gaol Delivery held at York 11 May 1726.

Lynde, Davenport, Dudley, Quincy J. J.

Hill and Burton
adj
Dom Regis

William Hill and Samuel Burton applt's adj Domini Regis From the Sentence of the Court of General Sessions of the peace held at York for the County of York on the first Tuesday of January last past, when and where the Appl'ts with others were complained of by William Mogridge for Assaulting of him but he not Supporting his Complaint, the Court ordered that the Complaint should be quasht & that the Appls & others should be acquitted paying Cost's—And now It's Considered by the Court that the Appls be discharged without paying any Costs; forasmuch as the Complaint was Quashed at the last Court.

[Records Sup. Ct. of Judicature, etc., 1725-1729, Fol. 42]

[S. F. 19,326.]

To the Hon'ble the Justices of his
maj'ties Court of Assize & Gen'l Goal
Delivery to be holden at York within
& for the County of York on the
Eleventh day of May 1726

William Hill by his master Joseph Bragdon & Samuel Barto by his master Sam'l Clark appell't William Mogridge Appellee

The Appell'ts reasons of appeal from a Judgment or Sentence of his maj'ties Court of gen'l Sessions of the Peace holden at York within & for sd County the 4th day of Jan'y 1725/6 where Benja Joh[nson] [Samuel] Staple, William Hill, Sam'l Barto & Benja: Googe appear'd to answer the Information & Complaint of Wm Mogridge before Wm Pepperrell Esq'r one of his maj'ties Justices of the Peace for sd County for Assault-

ing throwing down and beating the sd Wm Mogridge as per sd Compl't & Process and the Complainant not Supporting his Complaint it was considered by the Court that it should be quash'd & that the sd Benja: Johnson, Sam'l: Staple, Wm Hill, Sam'l: Barto & Benja. Googe be acquitted paying Cost of Court thirty Shillings & one peny a piece & stand comitted &tc.

Which Judgment or Sentence is wrong and erroneous & ought to be reversed for the reasons following.

1. Because the Judgment was that the sd: Benjamin Johnson Sam'll Staple &c should be acquitted paying Cost whereas they should have been acquitted & have had Cost allowed them for
2. The Appell'ts: being only informed agst by a private person Not in the King's name nor Presented by the Grand Jury & the Information or Compl't being quashed as afores'd the appell'ts: ought not by any means to pay Cost &c all which being Considered by Your Hon'rs: Your Appellants doubt not but Your Hon'rs: will See cause to reverse the former Judgment & find for your Appellants Cost of Court

Dated 29th aprill
1727

Benja Gambling attor.
pro appellants

Filed in the Office
May 3d 1726
Att' Saml Tyley Cler]

[7:99]

Presentments made by the Grand Inquest to this Court are as followth

We do present the highway betwene Berwick & Wells that is both the Towns

We do present Elizabeth Moore daughter of John Moore of Kittery for fornication & Likewise Temperance Fernald the daughter of Sam'll Fernald of Kittery for fornication

We do present Nathan Knight of Scarbrough for Selling Strong drink without Lycence

Wee do present the highway between York & Wells, that is both Towns.

Wee do present John Werren [Warren?] of Kittery for being drunk & breach of Sabbath.

Wee do present John Webber of York for not Attending the Publick worship of God.

ANNO REGNI REGIS GEORGII DUODECIMO

At a Court of General Sessions of the Peace holden at York within & for the County of York Aprill 5th, 1726. Present John Wheelwright, Joseph Hammond, Wm Pepperrell jun'r, John Penhallow, Jos. Hill & Samuel Came Esq'rs.

The Grand Inquest are as followeth Vizt

Jonath'n Bane Form'n	Jn'o Furbush	Tho's: Killpatrick
Job Burnum	Sam'll Tobey	Benj'm Hatch
Jos. Prebble	Rich'd Rice	Jn'o Davis
Daniel Junkins	Clem't Dearing	Robert Knight
5 Ralph Fernum	10 Josiah Winn	15 Etherinton Hearle

The Grand Inquest that are Sworn for the Year Ensuing are as followeth

Arthur Bragdon jun'r Form'n	Tho's Pirkins	Joshua Remick Sen'r
James Samson	Elisha Andrewes	Sam'll Fernald
Samuel Harmon	Nath'll Rayns Jun'r	Will'm Tucker
James Littlefield	John Sedgley	14 James Fly
5 Abra'm Townsend	10 Simon Emery	

The Selectmen of the Town of Wells, appeared to Answer their Towns presentm't for want of Sufficient highways betwene York & Wells, & Wells & Berwick who made excuse that the weather being bad that it could not be done before & that they would take effectual care that the said ways Should be Amended, Its Considered by the Court they be Acquited paying fees of Court 11s & Stands Committed.

Nathan Knight Appearing to this Court to Answer a presentment of the Grand jury Exhibited against for Selling Strong drink without Lycence, the Court having Considered that inasmuch as he was an officer in the Service & had ownly Lycures lodged with him by the Commissary Yet was under a Necessity of Supplying Some Travelers w'th a Small quantity for their refreshment, The Court have thought fit he be directed to Conform to the Laws for the future & that he be dismiss'd paying fees of Court 20s6 & Stands Committed.

[7:100]

The Selectmen of the Town of York Appearing to Answer their Towns presentm't for want of a Sufficient highway between York & Wells praying the favour of the Court Inasmuch as they have of Late had bad wether they were before prevented; who promissing in behalfe of the Sd Town that Effectual care Should be taken that the Sd way Should be repaired Its therefore Considered by the Court they be Acquited paying fees of Court 11s & Stands Committed.

John Clark being Apprehended & brought to this Court upon the Information of Manwerin Beal, John Maclucus, Joseph Lowel & Mark Sheppard upon Oath vizt for that he the Said John Clark on the Second day of Aug'st 1725 with Six other men with him did in a Violent manner Enter on board Said Beals boat on the Sea about two leags from York harbour And there did Assault beat & wound Sd Beal threatening the

lives of him & Company & Attempting the Same by loading his gun & Snaping of her at Sd Beals breast & Swearing profainly Several times All which [is] contorary [sic] to the Peace of our Sovereign Lord the King his Crown & Dignity, he Acknowledging the fact & puting himselfe upon tryal by this Court Its Therefore Considered by the Court that he be Committed untill he find Sureties for his Good behaviour towards his Maj'ty & all his Leadge people till the Next General Sessions of the peace to be holden at York for Sd County And Also that he pay a fine to his Maj'ty of 20s and 6s for his profane Swearing & fees of Court 34s & Stand Committed till Sentence perform'd.

Memd'm the Sd John Clark principall James Tyler of York & Moses Goold of Falmouth Suretys Joyntly & Severally Acknowledge themselves to be holden & Stand firmly bound unto the Kings Maj'ty in the penall Sum of twenty pounds that the Sd John Clark Shall be of Good behaviour towards his Maj'ty & all his Leadge people till the Next Court of General Sessions of the Peace to be holden at York for Sd County on the first Tuesday of July Next & also for his Appearance there.

[7:101]

Whereas there was a warrant by Order of this Court directed to the Constable of York for to Apprehend John Webber So that he might be had to this Court to Answer a presentm't of the Grand jury Exhibited against him for not Attending the publick worship of God; The Said Constable making return that he had Apprehended the body of the within Named John Webber & Taken bond for his Appearance As per the Sd warrant & Constables return thereon Appears The Sd Webber not appearing, Ordered that his bond be declared forfeited & that a writt of Scira [sic] facias go out of the Clarks office of this Court against Sam'll Webber the Surety to appear at the Next Session in July Next to Shew reason if any he have why Execution ought not to go out against him for the fifty Shilling forfeiture in the Sd bond for the Sd Jn'o Webbers non Appearance.

Whereas the former Selectmen of the Town of Berwick being Sumon'd to this Court to Answer their Towns presentment of the highway between Berwick & Wells as per the Sumons, & Constables return thereon appears, they not appearing to answer the presentm't; Ordered by the Court that they be Sumonsed to Appear at the Next Sessions to Answer for their not Appearing att this Court to answer Sd presentm't & also for Contempt of Authority.

Joseph Woodsome of the Town of Berwick Appeared to this Court

to Answer a presentm't of the Grand Inquest Exhibited against him for profain Cursing. Its Considered by the Court that as he owned the fact he pay 5s fine to the Town of Berwick & fees of Court 7s & Stands Committed till Sentence perform'd

John Penhallow Esq'r permitted to retail Strong Lycure⁶⁵ till July Court Next.

Nath'll Donnill of York permitted to keep a publick house of Entertainment till July Court Next.

John Harmon being bound over to this Court by Joseph Hammond Esq'r one of his Maj'ts Justices of the Peace for this County to Answer what Shall be Objected against him on his Maj'ts behalfe for presuming to vote for the Choice of Selectmen in the Town of Kittery, It Appearing to the Court he was not quallified to vote; It being also Certyfied by the Constable he was not Entered in his List of rates, Its considered he be Admonished & pay fees of Court 9s6 & Stands Committed till Sentence performed.

Mr. Daniel Simpson Chosen County Treasurer & Sworn in Court.

[7:102]

Whereas it appears to this Court by a Certificate from the Town Clerk of the Town of Berwick that Cap'tn Elisha Plaisted & Cap'tn Nath'll Girrish were Chosen Constables at the Last Annual Town Meeting the Sd Gent'm Appearing & Shewing their resentments for the affront & indignity offered them thereby, the one had Sustained the office of a Justice of the Peace of this County & the other a Millitary Command'r, Its Considered they be Excused from Serving for Sd reasons which are Acceptable to this Court & that the Selectmen be directed to Inform the Town not to persist in Such practices for the future.

Roland Young & Nath'll Freman being bound over to this Court by Samuel Came Esq'r one of his Maj'ts Justices of the Peace for Sd. County on Suspicion of Taking away a horse from Benjamin Stone as per the Records of Sd Justice appears & it Appearing they were directed by Cap'n Edward Preble to take Sd horse for his Maj'ts Service & Inasmuch as they did not acquaint Sd Stone with it, Its Considered they be Acquited paying Cost of Court 2s & Stand Committed.

Thomas Dunn being bro't before this Court being Vehemently Suspected of Stealing one thirty & two Ten Shillings bills of Credit from James Cutchuk⁶⁶ of Berwick Labourer as per the process; It appearing

⁶⁵ At Georgetown, Arrowsic, where he was the resident Justice.

⁶⁶ The name is an unusual one, and not found elsewhere in the records for this period.

by Sufficient evidence that he is guilty of the fact & Moses Goold being also Convicted of receiving & Consealing the Same; Its therefore Considered by the Court that they receive fifteen Strips each of them on their Naked backs at the Post & pay fees of Court Eighteen Shillings each; or pay a fine to the King of three pounds each & fees as aforesd, Also Treable damage to the Said James Cutchuk the person Injured which is Seven pounds Ten Shillings; otherwise each of them to be disposed by him the Sd. James Cutchuk for five Months Service as the Law directs.⁶⁷ They both received the Strips.

Mr. Daniel Simpson Treasurer of this County presented his Acco't to this Court for allowance & the Same was allowed & approved of there being as per Sd. Acco't due to the County two pound Sixteen Shillings & Six pence.

Cap'tn Edward Prebble being Chosen one of the Grand Inquest for the Town of York & he not Appearing to make Oath to his office. Ordered that he be Sumons'd to the Next Court of General Sessions of the peace to Answer to the premisses.

[7:103]

Nathan'll Jordon being Chosen one of the Grand Inquest for the Town of Falmouth & he not Appearing to take his oath to this Court tho being Sumons'd as per the Constables return; Ordered that he be Sumons'd to Next Court to Answer to the premisses.

Elizabeth Goodall now the wife of Sam'll Littlefield being presented for fornication her Sd Husband Appearing to Octob'r Court Last & making Excuse to Sd Court that It being daingerous times of the Indian Enemy was the reason his Sd wife did not appear to Answer her Sd presentm't, And whereupon it was order'd at Sd Court that She Should be heard before the Hon'ble John Wheelwright & Joseph Hill Esq'rs two of his Maj'ts Justices of the Peace for Sd County As per the Sd Records Appears; and the Sd Justices makes return to this Court in the words following as on file appears, vizt, persuant to the within order to us directed the w'thin Named Eliz'a Goodall now the wife of Sam'll Littlefield Appear'd before us & Acknowledged the fact within Expressed; it is Considered She pay a fine to the King of thirty Shillings & Cost of Court Ten Shillings

JOHN WHEELWRIGHT

JOSEPH HILL

Whereas The Committee appointed in Jan'ry Court Last to make a

⁶⁷ Cf. 1702 Province Laws ch. 9, An Act to Prevent Charges Arising upon the County for Prisoners Committed for Theft. (1 *Acts and Resolves*, 504-505.)

new Examination of the Acco't of Abra'm Prebble Esq'r late Treasuer of this County as per the Records of Sd Court appears make report that in the former report which they made on Sd acco't the 8th of May 1724 they then found there was then due to the County £66:8:2 & Since it appears to them that Mr. Daniel Simpson the present County Treasurer hath receiv'd of Sd Sum 43:0:0 & that Mrs. Mary Prebble Administratrix on the Sd dec'd Estate hath Since paid the former Sheriff John Leighton Esq'r 17:11:0 & that there is not Charged the full for receiving & paying out the County money Since his Acco't presented & allowed at the Court of General Sessions of the Peace in Aprill, 1724 by 2:6:6 So they find upon the ball'ce of the Said Acco'ts there remains due to the County from the Sd dece'd three pounds Ten Shilling & eight pence as per Sd report on file appears.⁶⁸

Ordered that the Committee appointed Last Court to Examin the Acco't of Abra'm Prebble Esq'r late Treasurer of this County be allowed ten Shillings a peace each of them for their Pains & Trouble in Examining Sd Acco't to be pd out of the County Treasury.

[7:104]

Ordered that the three pound Ten Shillings & Eight pence due to this County from the Estate of Abraham Preble Esq'r late Treasurer of this County as per the report of the Committee appointed to Examin Sd Treasurers Acco'ts be pd. to Mr. Daniel Simpson the present Treasurer of this County

Presentments made to this Court by the Grand Inquest are as followeth vizt

Wee the Grand inquest do present Thomas Collen of Berwick for profain Swearing & Likewise Edward Andrews of Berwick for profain Swearing.

We also present the reputed wife of John Snow of Kittery for fornication.

Wee also present Hannah Wench of York for fornication.

Wee also present Abigail Redicks of York the wife of George Redicks for fornication.

JONATH'N BANE Form'n

[Superior Court of Assize and Gaol Delivery held at York 11-13 May 1726. Lynde, Davenport, Dudley, Quincy, J.J.]

Order about the Venires, &c.

Ordered that the Justices of the Court of General Sessions of the Peace for the

⁶⁸ See also *supra*, 159-161, 216.

County of York, and also their Clerk, be and hereby are Certified, That Samuel Tyley, one of the Clerks of the Superiour Court of Judicature &c issued out four Venires directed to the Constables of the several Towns in the said County, for their Choice of jurors to attend the Service of the sd Superiour Court &c at their present Sessions That so the Justices of the said Court of Sessions may order him the payment of Six shillings out of the County Treasury for the sd venires & the Sum of four shillings to the Sheriff for Dispersing [*sic*] the Same Pursuant to a Resolve of the General Court or Assembly of this Province in the year 1725. Also ordered, that the sd Court of Sessions be desired to pay six shillings to the Belman for his service at the sd Superiour Court during their present Session.]

[Records, Sup. Ct. of Judicature, etc., 1725-1729, fol. 42, *verso*.]

ANNO REGNI REGIS GEORGII DUODECIMO

At a Court of General Sessions of the Peace holden at York for & within the County of York July the 5th 1726.

Present John Wheelwright, Joseph Hamond, Will^m Pepperell jun^r, Sam^{ll} Plaisted, John Gray, Joseph Hill & Sam^{ll} Came Esq^{rs}.

The Grand inquest were as Followeth

Author [*sic*] Bragdon jun^r Formⁿ

Sam^{ll} Harmon

James Fly

Abra^m Townsend

Tho^s Pirkins 5

Jn^o Lord

Nath^{ll} Jordon

Joshua Remick

W^m Tucker

Simon Emery 10

John Sedgley

Nath^{ll} Rayns jun^r

Elisha Andrews

Nath^{ll} Jordon of Falmoth appear^d to this Court to answer for his not appearing at the Last Court of General Sessions &c he being Chosen one of the Grand inquest by the Sd Town of Falmouth for this County as per the warr^t & Constables return thereon appears; Hee making Excuse to the Acceptance of this Court & taking the Oath to the Sd Office Its Considered by the Court he be acquitted paying fees of Court 7s. & Stand Committed

Ordered that there go out a Special Warr^t from the Clerk of this Court to apprehend Cap^{tn} Edward Prebble So that he may be had at the Next Court of General Sessions of the Peace to be holden at York for Sd County to Answer for his refusing to take the Oath of a Grand-juror being thereunto Chosen by the Town of York & Somon^d by the Constable of Sd Town to appear at Aprill Court Last & also for his repeated Contempt of Authority in not appearing at this Court tho Sumon^d by a Sumons from the Clerk of this Court As per the Constables return therein appears.

[7:105]

Ordered that one Hundred & Eight pounds be Asses'd on the Inhabitants of part of this County fifty four pounds thereof to be paid in to the County Treasurer by the first day of October Next, The other fifty four pounds to be paid into the County Treasurer by the first day of Aprill Next; And the Treasurer is hereby directed to Issue out his warrants to the Selectmen of the Several Towns accordingly vizt

York twenty Seven pounds Ten Shillings	£ 27:10:0
Kittery thirty one pounds five Shillings	£ 31: 5:0
Berwick twenty three pounds fifteen Shillings	£ 23:15:0
Wells Seventeen pounds Ten Shillings	£ 17:10:0
Falmouth Three Pounds Ten Shillings	£ 3:10:0
Biddeford two pounds Ten Shillings	£ 2:10:0
Arrundel two pounds	£ 2: 0:0
	<hr/> £108: 0:0

Hannah Wench of York in Sd County appeared to Answer her presentment for fornication. She owning the fact & made Oath that Daniel Carr of Salsbery is the father of Sd Child, Its Considered by the Court that She receive Seven Strips on her Naked back at the post & pay fees of Court 7s. or that She pay a fine to the King of 30s. & pay fees of Court as afores'd & Stands Committed.

Ordered that a warr't Issue out of the Clerks office directed to the Sheriff of the County of Essix [*sic*] or his Debuty [*sic*] to apprehend the aboves'd Daniel Carr to appear at the Next Court of General Sessions of the peace to be holden at York for Sd County to answer Sd accusation.

George & Abigail Redicks appeard to this Court to answer her presentment for fornication, they owning the fact, Its Considered by the Court that each of them receive Seven Strips on their Naked back & pay fees of Court 12s or that they pay a fine to the King of 30s each of them & fees as aforesaid & Stand Committed untill Sentence performed

William Mogridge is allowed twenty Shillings to be paid out of the County Treasury for ring[-ing] the bell & fitting platforms for the Superiour & Inferiour Court in full discharge to this day.

[7:106]

John Webber of York in Sd County of York Appeared to answer his presentm't for not Attending the Publick worship of God & also for his

Contempt of Authority in not appearing at the Last Court; Its Considered by the Court that he be Admonished for his Sd Contempt of Authority & pay a fine to the poor of the Town of York of 20s & Costs of Court 17s & Stands Committed untill Sentence perform'd.

Thomas Collens of Berwick in Sd County appeared to Answer his presentm't for profain Swearing & being thereof Convicted; Its Considered by the Court that he pay a fine to the poor of the Town of Berwick of 5s & fees of Court 7s & Stands Committed untill Sentence be perform'd.

Whereas Edward Andrews was Apprehended to Appear to this Court to Answer a presentm't of the Grand jury Exhibited against him for profain Swearing: He having Sent a Petition Seting forth that he was not able to Attend this Court he being very Ill & Indisposs'd of body & it So appearing to the Court, Ordered by the Court that he be heard before the Hon'ble Joseph Hammond Esq'r one of his Maj'ts Justices of the Peace for this County & that he make report thereon at the Next Court of General Sessions of the Peace to be holden at York for Sd County on the first Tuesday of October Next.

[Y. F. 1725-1726, No. 7]

To the Hon'ble the Justices of His Majest's Court of Generall Sessions of the Peace now Sitting att York

The Humble Petition of Edward Andrews of Berwick Most Humbly Sheweth that Whereas your Hon'rs Petitioner Stands Presented by the Grand Inquest for Profane Swearing &ct. I Do most Humbly Confess that I am Guilty, But am Not able to Come to Court by Reason of Illness which I now Labour under, I therefore Humbly Pray that your Honours would Favourably Excuse my not Appearing and Appoint what Amercement your Hon'rs Shall think fitt and I will Endeavour to Comply therewith, or otherwayes as in Your Hon'rs Wisdom Shall Seem Meet, And your Petitioner as in Duty Bound Shall Ever Pray &ct.

Berwick July the 5th 1726

[signed:] Edward Andrew]

John Snow Appear'd to this Court & own'd himselfe guilty of the act of fornication with Mary Frink who is now his reputed wife. Its Considered by the Court that he receive Seven Strips on his Naked back at the post & pay fees of Court five Shillings or that he pay a fine to the King of thirty Shillings & fees as aforesaid & Stand Committed untill Sentance performed. It Appearing to this Court that his Sd wife is ill & indispos'd of body & not able to attend the Court, Ordered that She be heard before the Hon'ble Joseph Hammond & William Pepperrell jun'r

Esq's two of his Maj'ts Justices of the peace for this County & that they make report thereon at the Next Court of General Sessions of the peace to be holden at York for Sd County on the first Tuesday of October Next.

John Clark Appeared to this Court & was Cleared of his bonds for his Good behaviour by proclamation

[7:107]

Cap'tn Elisha Plaisted, Capt'n Humphery Chadborn, James Grant, Tho's Butler & John Cooper the former Selectmen of the Town of Berwick Appear'd to this Court to Answer their Towns presentm't for want of a Sufficient highway betwene Berwick & Wells: And also for Contempt of Authority in not appearing at the Last Court tho being Sumon'd as per the Sumons & Constables return thereon appears. Its Considered by the Court that they be Admonished for their Sd Contempt & they promising to take Effectual care that the Sd way be Amended, Its Considered they be acquitted paying fees of Last Court 11s & fees of this Court 11s & Stand Committed untill Sentence be performed.

Henery Simpson being Apprehended & bro't to this Court to Answer to his being Accused of being guilty of the Act of fornication with Sarah Johnson who is now his reputed wife; He pleaded not guilty & nothing Appearing Sufficient to Convict him Its Considered he be Acquitted paying fees of Court 13s & Stands Committed untill Sentence perform'd.

Whereas Samuel Fernald one of the Grand inquest for this Year did not Attend at this Court Ordered that he be Sumons'd to Appear at the Next Court of General Sessions to be holden at York for Sd County on first Tuesday of October Next to Answer for his Sd Neglect.

Whereas Daniel Grant of Berwick being Apprehended to Appear to this Court to Answer a presentm't of the Grand jury Exhibited against him for Neglecting the Publick worship of God on the Lords day & also for Contempt of Authority as per the process Its Considered by the Court that his bonds be declared forfeited, Unless he Appear at the Next Sessions & Shew Cause to the Contrary, And that a new warrant Issue out of the Clarks office to Secure him So that he be had at the Next Court of General Sessions of the Peace to be holden at York for Said County on the first Tuesday of October Next, to answer his Said presentm't & also for his repeated Contempt of Authority.

[7:108]

John Wherren appeared to answer his two Several presentm'ts for being drunk & being thereof Convict'd Its Considered by the Court that he pay a fine to the use of the poor of the Town of Kittery of Ten Shillings & fees of Court & being at this Court presented for not frequenting the Publick worship of God & being thereof Convict'd Its Considered that he pay a fine of 20s to the poor of the Town of Kittery aforesd. & fees of Court 12s or if he refuse to pay or be unable to pay the Same then to receive 5 Strips on his back at the post & pay fees of Court 12s as aforesd, & that he give bonds to the value of Ten pound for his Good behaviour till the Next Sessions & Stands Committed untill Sentance perform'd, Mem'dem he receiv'd the Strips & was Committed for refuseing to find Suretys for his Good behaviour &ct.

Lycence is Granted by this Court to the Several persons following to be Taverners & retailers the Year Ensuing

For the Town of Kittery

Benj'm March, Jn'o Hicks, George Berry, James Chadborn, Robert Mitchel, Paul Wentworth, Joseph Curtice, Benj'm Weltch & Mary Staple to keep publick houses of Entertainment & W'm Pepperrell Esq'r to retail.

For the Town of York

Nath'll Donnell, Caleb Preble, & John Stover to keep publick houses of Entertainment & Mrs. Mary Preble to retail.

For the Town of Berwick

Joseph Abbot & Joseph Moulton to keep Publick houses &ct.

For the Town of Wells

Jn'o Storer & Francis Littlefield To keep Publick houses &ct.

For the Town of Scarborough

Nathan Knight to keep a Publick house of Entertainm't.

For the Town of Arrundell

Thomas Perkins to keep a Publick house of Entertainm't

For the Town of Biddiford

Humphery Scamon & Eliz'a Tarbox to keep Publick houses of Entertainm't & Sam'll Jordon to retail.

For the Town of Falm'th

Rich'd Coller & John Sawyer to keep publick houses of Entertainm't & Samuel Moodey Esq'r to retail

For the Town of GeorgeTown

John Penhallow Esq'r to retail.

[7:109]

The presentments made to this Court by the Grand Inquest are as followth vizt

John Wherren of Kittery presented for not attending the Publick worship of God & being drunk.

William Groves [Grover?] of Scarborough presented for breach of the peace upon the Sabbath day by the Information of Mr. Fly.

Mr. Allison Brown of Arrundell & Mr. James Tyler of York presented for building or Erecting a Saw Mill upon & a Cross a highway in Arrundell which is Greatly to the Damage of the Inhabitants by the Information of Tho's Pirkins of Sd Town.

ARTHUR BRAGDON form'n

ANNO REGNI REGIS GEORGII DECIMO TERTIO

At a Court of General Sessions of the Peace holden at York within & for the County of York Octob'r the 4th, 1726

Present John Wheelwright, Joseph Hammond, Samuel Moodey, William Pepperrell jun'r, John Penhallow, John Gray, Joseph Hill & Sam'll Came, Esq'rs.

The grand Inquest are as Followeth vizt

Arthur Bragdon jun'r Form'n

James Sampson

Samuel Harmon

James Littlefield

Abraham Townsend

6 Thomas Pirkins

John Lord

Elisha Andrews

Nath'll Rayns jun'r

John Sedgley

Simon Emery

12 Joshua Remick

Samuel Fernald

William Tucker

James Fly

16 Nath'll Jordon

Ordered that John Hutchins one of the Constables of Kittery be Sumoned to the Next Court to Answer for his Neglect of his duty in not giving Legall Notice to the Inhabitants of Sd Kittery to make Choice of Jurymen to Serve at this Court

Lycence granted to James Parker of North Yarmouth to keep a publick house of Entertainment Untill the 29th day of June Next.

Francis Smart Appeared to this Court and was Clear'd of his bonds for his Good behaviour by proclamation.

[7:110]

Richard Jaques being bound over to this Court by Samuel Moodey Esq'r one of his Maj'ts Justices of the peace for said County for giving

or unlawfully disposing of Rhum to the Indians as per the process the papers being Committed to the grand jury who presented Said Jaques for giving the Indians Rhum. The Said Jaques was Called & being Ask'd where he was guilty or Not guilty pleaded not guilty & put himselfe upon Tryal by a jury who were Specially Appointed & Sworn for that purpuss who went out thereon & return'd their Verdit vizt. They find the Def't not guilty. Its Considered by the Court he be acquitted paying Cost of Court Tax't at two pound fourteen Shilling & Stands Committed untill Sentance perform'd.

The Names of the jury that tryed the above Case were vizt

Arthur Bragdon, Sen'r, Form'n	Roger Plaisted	Edward Beal
Cap'tn James Grant	Thomas Watson	John McIntire
James Boston	Allison Brown	John Smith
Jacob Perkins	Thomas Pirkins	James Grant

Mr. John Dennit, Paul Wentworth, Nath'll Fernald and Tobias Fernald being bound over to this Court by Joseph Hammond Esq'r one of his Maj'ts Justices of the peace for Sd County for that they did in a Violent & Riotous manner lay hands on Moses Woster [Worcester] of Kittery in Sd County & dragged him out of bed &ct as per the process on file Appears,⁶⁹ The papers being Committed to the grand jury who presented Them for a riot; They being Call'd to Answer Said presetnment pleaded not guilty & put themselves upon Tryal by a jury who were Appointed & Sworn for that purpuss who went out thereon & returned their verdict viz they find the def'ts not guilty. Its Considered by the Court they be acquitted paying Cost of Court Tax't at three pound Seventeen Shillings & Eight pence & Stands Committed untill Sentance performed.

The Names of the jury that Tryed the above Case were vizt.

Arthur Bragdon Sen'r Form'n	James Grant	Roger Plaisted
Cap'tn James Grant	Sam'll Wench	Jacob Pirkins
Edward Beal	Thomas Pirkins	Allison Brown
John Smith	James Boston	Thomas Watson

[7:111]

Capt'n Edward Prebble of York Appear'd at this Court to Ans'r for his refusing to make Oath at Aprill Court Last to his office he being Chosen one of the Grand inquest for this County by the Said Town of York; And also for his repeated Contempt of Authority for not appear-

⁶⁹ But unfortunately, the file papers in this picturesque case have now disappeared.

ing at July Court Last to Answer for his Said refusing to make Oath to his Said office tho being then Sumons'd again As per the Sumons & Constable return thereon Appears; He making Excuse Acceptable to this Court for his not appearing at July Court Last Its Considered by the Court that for his refusing to Serve on the grand jury he pay a fine for the use of Sd. County of four pounds & fees of Court eight Shillings & Stands Committed untill Sentence be performed.

Ordered that the Clerk of this Court Issue out a warr't directed to the Constable of York to warn the Inhabitants in Sd York to Choose a man to Serve on the Grand inquest in the room of the abovesaid Cap'tn Edward Prebble.

Whereas Stephen Minot Esq'r of Boston within our County of Suffolk & Cap'tn Tho's Sanders of Glocester within our County of Essex & Joseph Heath Esq'r of Richmond within our County of York aforesaid were bound over to this Court of General Sessions of the Peace to give evidence for our Sovereign Lord the King relateing to Richard Jaques's Giving or unlawfully disposing of Rhum unto the Indians As per the recognizences & they nor neither of them not appearing, Its Considered by the Court that their bonds be declared forfeited; And that a writt Scira Facias Issue out from the Clerks office directed to the Sheriff or his Deputy of each County where they dwell to make known unto them that they appear at the Next Court of General Session to give their reason if any they have why Execution ought not to goe out against them for the forfeiture of their bonds of five pound each of them to His Maj'ty & fees of Court.

[7:112]

Mosses [*sic*] Worster of Kittery in Said County making Application to this Court by his Attorney Thomas Phipps Esq'r praying that his Grandson John Worster May Subsist or Support him in his old age he being not able to Subsist or Support himselfe,⁷⁰ Its Considered by the Court that his Said Grandson John Worster pay to his Said Grandfather Moses Worster within one Month from this date five pounds; & five pounds more at on or before the first day of Aprill Next & five pounds more at on or before the fourth day of October Next the whole being fifteen pounds which Compleats one Year for his Maintainance.

Mr. John Dennitt, Paul Wentworth, Nath'll Fernald & Tobias Fernald all Appeared to this Court & was Cleared of their bonds for their Good behaviour by proclamation.

⁷⁰ Cf. 1692-93 Province Laws ch. 28, sec. 9. 1 *Acts and Resolves* 67-68.

Pursuant to an Order of the General Sessions of the Peace for Sd. County at July Court Last Edward Andrews Appear'd before Joseph Hamond Esq'r one of his Maj'tys Justices of the Peace for Sd County to Answer his presentment for profain Swearing his Sentence was that he pay a fine of five Shillings for the use of the poor of Berwick & fees of Court 7s, As per Sd Justices Return on file Appears.

Jeremiah Moulton Esq'r high Sheriff for Sd County presented his Acco't Amounting in the whole to the Sum of five pounds two Shillings for Executing Joseph Quason⁷¹ as per Sd. acco't on file which was red [or rc'd] & accepted, & ordered that the Sum of five pound two Shillings be paid out of the County Treasury to the Said Jeremiah Moulton in full discharge thereof.

[Sheriff Moulton's account is not to be found in the York files for this period, nor are any papers having to do with this event. The following appear in the records of the Superior Court of Assize and General Gaol Delivery.]

[Superior Court of Assize and General Gaol
Delivery held at York, 11-13 May 1726.
Lynde, Davenport, Dudley, Quincy, J J.

* * * * *

[fol. 42,
42 verso]

Quassons Sentence

The Jurors for our Sovereign Lord the King upon their Oath present Joseph Quasson, an Indian, of Yarmouth in the County of Barnstable For that the said Joseph Quasson at Cape porpus, or Arendel in the County of York, & while he was in the public Service of the Province as a Soldier about the twentyeth day of August last, not having the fear of God before his Eyes, but being moved & Instigated by the Devil, & of his Malice Forethought, with Force and Arms an assault did make on the body of one John Peter an Indian of Yarmouth in the County of Barnstable in the Peace of God and the King then & there being, viz as a soldier in the public pay, & Service of the province & with a gun value forty shillings that was charged with powder & ball, which he the sd Joseph Quasson held in his hands, & Levelled at, and Shot the sd John Peter in at the groin, on the upper part of his thigh, wounding the sd John Peter mortally; So that he the sd John Peter for a few days viz three or four Languished, & then dyed, [fol. 42, verso] of the wound given him as aforesd by the bullet shot at him by the said Joseph Quasson, and so the Jurors aforesd upon their Oaths do say that the sd Joseph Quasson did then [and] there wilfully & feloniously kill and Murther the sd John Peter against the peace of our Sovereign Lord the King and the Law. Upon this Indictment the said Joseph Quasson being arraigned, pleaded not Guilty, and for tryal put himself upon God & his Countrey, a Jury being Sworn to try the issue; after a full hearing of the Evidences in behalf of his Majesty, and the Prisoners Defence, went out to Consider the Case, and returned their verdict therein upon Oath by Daniel Simpson their Foreman that is to Say, that the sd Joseph Quasson is Guilty. It's therefore considered and Ordered by the Court, that the said Joseph Quasson shall suffer the pains of death.

⁷¹ Introduction, *supra*, xix.

[S. F. 19,323(1)]

Sandwich May 5th 1726

Sr

These are to Certifie that I have herewith Sent Joseph Cape and Jacob Ketone who Stand bound by way of Recognizance in Fourty Pounds Each to Appear at the Court of Assize and Gen'll: Goal Delivery to be holden at York for the County of York on the Second Wednesday Instant to give Evidence on his Maj'ts Behalf Relating to Joseph Quason's Shooting of John Peter Sometime In the fall of the Year last past at or near Cape porpus

Coram

N [*or* M] Bowen[*addressed:*]

To the Clerk of the Superiour Court
now holden at York

per Mr Stanford.

[S. F. 19,323(2). The grand jury's indictment:]

Dominus Rex v. Quason

York Ss At a Court of Assize and Gen'll. Goal Delivery holden at York for the
County of York Wednesday the 11th day of May 1726

The Jurors of our Sovereign Lord the King upon their Oaths present Joseph Quasson (an Indian) of Yarmouth in the County of Barnstable, For that the sd Joseph Quasson, at Cap porpus or Arundel in the County of York and while he was in the Publick Service of the Province as a Souldier about the Twenty-th day of August last, not having the fear of God before his eyes but being moved and instigated by the Devil, and of his malice forethought with force and Arms an Assault did make on the body of one Jno Peter an Indian of Yarmouth in the County of Barnstable in the Peace of God and the King then and there being, Vizt as a Souldier in the Publick pay and service of the province, and with a gun, Value Forty Shillings which was charg'd with powder and Ball, which he the sd Joseph Quasson held in his hands and levelled at [*several words stricken*] and Shot the sd Jno Peter mortally so that he the sd Jno Peter for a few days—Vizt three or four, Languished and then dyed of the Wound given him as aforesd. by the Bullet Shot at Him by the sd Joseph Quasson and so the Jurors aforesd upon their Oaths doe Say that the Sd Joseph Quasson did then [*and*] there wilfully and feloniously Kill and Murther the sd Jno Peter ag'st the peace of our Sovereign Lord the King and the Law

Witnesses

Rob't Stanford

Thomas Miller

The Jury finds Billa Vera

Arther Bragdon, foreman

Capt'a. Jos: Bane

Joseph Caly [?]

Jacob Keder

Posuit se et

Att's

S. Tyley Cler]

[7:113]

James Spenney being bound over to this Court by William Pepperrell Esq'r one of his Maj'ts Justices of the Peace for Said County upon Susspition of Stealing away abot thirty Cocks of hay from John

Addams as per the Sd. Justices' Record Appears, The papers were Committed to the Grandjury who returned Nothing, Its therefore Considered by the Court that the Said James Spenney be dismiss'd paying Costs of Court two pounds ten Shillings & Stands Committed untill Sentence be perform'd.

The Said James Spenney Appeals from this Sentence⁷² to the Next Court of Assize & General Goal Delivery to be holden at York for Said County. Memd'm The Said James Spenney principal, John Dennett & Nath'll Fernald Suretys Acknowledge themselves Joyntly & Severally to be holden & Stand firmly bound & Obleiged in the penall Sum of Ten pounds to be paid to Our Sovereign Lord the King His Heirs or Successors If the Said James Spenney Shall make default in the proscicuteing his Said Appeal with Effect & also that he be of Good behaviour towards his Maj'ty & all his Leage People in the Mean time.

[*No record of appeal found.*]

Taken in Court Attest CHARLES FROST Cler

Allison Brown of Arrundel & James Tyler of York Appear'd to Answer a presentm't of the Grandjury Exhibited against them for building a Mill upon & a Cross a highway in Arrundell aforesd. Its Considered that the hearing of Sd presentment be refered to Next January Court.

Attest CHARLES FROST Cler.

[7:114]

The presentments made to this Court by the Grand inquest are as Followeth vizt

Richard Jaques Presented for giving the Indians Rhum

Paul Wentworth, John Dennit, Nath'll Fernald and Tobias Fernald presented for a riot

James Tyler presented for Selling of drink by the Information of Mr. Caleb Prebble

Nathan Knight of Scarborough presented for Selling of drink

Rich'd Babson, Tho's Millit & Sam'll Procter presented for Selling of drink by the Information of Mr. Wright

Samuel Denney of George Town presented for Selling drink by retail

Samuel Denney & Michael Micom of George Town presented for breach of the peace & breach of the Sabbath⁷³

⁷² Spinney doubtless appealed in an effort to reverse the order for costs.

⁷³ See *infra*, 252-253, 258.

Tabatey Murch of York presented for fornication

Daniel Grant of Berwick presented for not frequenting the Publick worship of God

Martha Alden of Biddiford presented for fornication

ARTHUR BRAGDON Form'n

Margaret Tucker being bound over to this Court by William Pepperrell Esq'r one of his Maj'ts Justices of the peace for Said County for being with Child with a bastard Child & accusing of Andrew Wescoat to be the Father of Said Child She Appearing & being Sworn Continued Constant in Said Accusation face to face & not being Yet delivered w'th Said Child Its Considered by the Court that She give bonds with Sufficient Sureties to the Value of Ten pounds for her Appearance at the Next Court of General Sessions of the Peace to be holden at York for Said County. Memorand'm Margaret Tucker principall Nocolas [*sic*] Dunn[?] & William Tucker Suretys acknowledge themselves to be holden & Stand firmly bound unto our Sovereign Lord the King his Heirs or Successors in the penall Sum of Ten pounds that the Said Margaret Tucker Shall personally Appear at the Next Court of General Sessions of the peace to be holden at York for Said [7:115] County of York & the[re] to Stand & abide the order & Sentance of the Said Court & not to depart without Lycence, then the above recognizence to be void, otherwise to abide & remain in full force Strength & vertue

Taken in Court Attest CHARLES FROST Cler

Andrew Wescoat being bound over to this Court by William Pepperrell Esq'r one of his Maj'ts Justices of the peace for Said County for being Accused of being the father of a bastard Child begotton on the body of Margaret Tucker of which bastard Child She is not yet delivered with. Its Considered by the Court that the Said Andrew Wescoat give bonds w'th Sufficient Sureties to the value of Sixty pounds for his Appearance at the Next Court of General Sessions of the peace to be holden at York for Said County on the first Tuesday of Jan'ry Next to Answer to Sd Accusation.

Memorand'm The Said Andrew Wescoat principall, Samuel Skillion & Thomas Pickerin Suretys, Acknowledge themselves to be holden & Stand firmly bound & Obleiged unto our Sovereign Lord the King in the penall Sum of Sixty pound to be paid to him his Heirs or Successors, The Condition of the above recognizence is Such that if the above bounded Andrew Wescoat Shall personally appear at the Next Court of General Sessions of the peace to be holden at York for & within the

Said County of York on the first Tuesday of Jan'ry Next & there to Stand & abide the order & Sentance of the Said Court relateing to the above Said Accusation & not to depart with out Lycence, that then the above Recognizence to be Void & of None Effect, otherwise to be & remain in full force Strength & Vertue.

Taken in Court

Attest CHARLES FROST Cler

[Y. F. 1725-1726, No. 5.]

[It was the practice of the clerk to issue a warrant to the constable of each town, ordering the appearance at the next Court of Sessions of those persons who had been presented from that place. The following document will serve as an example of the process.]

York Ss

[Seal] To the Constable of the Town of York Greeting

In His Maj'ts Name you are required to Apprehend the Several persons hereafter Named So that they may be had before his Maj'ts Justices at the Next Court of General Sessions of the Peace to be holden at York for Said County on the first Tuesday of January Next to Answer a presentment of the Grand jury Exhibited against each of them for the Several Misdemeanors following vizt Rebecca Donnell for having a black bastard Child & Tabathy Murch for fornication & James Tyler for Selling of drink; And You are also required to Apprehend James Rankin to Answer to his being Accused of being the Father of a bastard Child begotten on the body of Deborah Spencer; Hereof fail not, and Make due return under your hand according to Law. Dated the twentyeth day of October In the thirteenth year of his Maj'ts Reign Anno Domini 1726

per C'm

Charles Frost Cler

You are also required to Sumons Caleb Preble to appear at sd Court to give evidence what he knows relating to the abovesd James Tylers Selling of Drink

per C'm

Cha: Frost Cler

[over:]

York: Ss: desember 12-1726

by vertu of this warrt I have apprehend the boddys of James Tiller & Tabbither Murch and tacken bond for ther apirring
James Ranking and Rebecker Donnel not to be found

per

Sam'll Donnell Constabel]

[7:116]

ANNO REGNI REGIS GEORGII DECIMO TERTIO⁷⁴

At a Court of Generall Sessions of the Peace holden at York
within and for the County of York Jan'r 3'd 1726/7.

⁷⁴ Although Charles Frost was still the clerk, the record of this court and the succeeding one for April, 1727, are in a different hand. Where the clerk's attestation was called for, Frost apparently signed the record.

Present John Wheelwright, Joseph Hammond, Samuell Moodey, Wm Pepperrell Jun'r, John Penhallow, Joseph Hill, Sam'll Plaisted, Samuel Came, Joseph Heath and Nathaniel Gerrish Esq'rs.

The Grand Inquest are as followes

James Sampson	John Lord	Joshua Remick
Sam'll Harmon	Elisha Andrews	Sam'll Fernald
James Littlefield	Nathan'll Rains Jun'r	Will'm Tucker
Abraham Townsend	John Sedgly	James Fly
Thomas Perkins	Simon Emery	Nthan'l Jordon
		Wm Moore

Whereas Allison Brown of Arrundell in Sd County and James Tyler of York in Sd County, Appeared at the Last Court of Gen'l Sessions of the Peace holden at York for Said County in Octo'r Last to answer a Presentment of the Grand Inquest Exhibited against them for Erecting a Saw Mill upon and Cross a high way in Arrundell the hearing of which was Referred to this Court, the Said James Tyler in Behalf of himself and the Said Allison Brown, Appearing to Answer Sd Presentm'ts, It not being made to appear to this Court that there was a high way where sd Mill Stands Its therefore Considered by the Court that they be Acquitted. Pay Fees—14s.

Whereas a writ of Scire facias Issued out of the Clerks office of the Court of Generall Sessions of the Peace for Sd County by order of Sd Court in Octo'r Last to make known unto Stephen Minot of Boston in the County of Suffolk Esq'r And writ of Scire facias to make known unto Joseph Heath of Richmond in the Sd County of York Esq'r and a writ of Scire facias to make known unto Cap't Thomas Sanders of Glocester in the County of Essex—that they Appear before the Justices of this Court of Generall Sessions of the Peace to Shew Cause if any they had why an Execution or warrant of Distress should not be had against them in his Maj'ts behalf for the forfeiture of their Recognizances in which they were Bound in the Penal Sum of five Pounds Each to appear at the last Court of General Sessions of the Peace in this County to Give Evidence in Behalf of our Sovereign Lord the King Relateing to Richard Jaques Giving or unlawfully Disposing of Strong Drink to the Penobscut Indians [7:117] The Sd. Stephen Minot Joseph Heath Esq'rs & Cap't Tho's Saunders having Petitioned to the Generall Court at Boston on the 23:d day of Nov'r 1726 to Stop the Proceedings of this Court against them for the Reason that they were Unavoidably obstructed from giving their Attendance which Sd Generall Court did order, this Court of Generall Sessions of the Peace to

Stop their Proceedings as Afores'd as by a Copy of sd order on file appears. Its therefore Considered by the Court that the Sd Proceedings of this Court with Respect to the Premisses be Stayed till further order from the Generall Court.

[Y. F. 1725-1726. No. 5.]

At a Great & Gen'll Court or
Assembly of his Majestys Province
of the Massachusetts Bay held
November 23d. 1726

On the Petition of Stephen Minot & Joseph Heath Esquires & Cpt. Tho's Sanders

The following Vote passed both Houses

Ordered that the Court of Gen'll Sessions of the Peace for the County of York stop all proceedings till further Order of this Court against Stephen Minot Esq'r, Joseph Heath Esq'r and Cpt. Thomas Sanders who were bound by Recognizance to attend as Witnesses the Tryal of Rich'd Jaques, they being unavoidably obstructed from giving their attendance, as they have Sett forth in their Memorials

Consented to
Wm Dummer

Copy Examined per J. Willard Sec'ry

[Also in this packet:

Writs of scire facias against Stephen Minot, Esq., Captain Thomas Sanders, and Joseph Heath, Esq. Minot is "of Boston," Sanders "of Gloucester" and Heath "of Richmond in our County of York."

There is also a copy of the record of a hearing of Jaques's case on 9 August 1726, before John Wheelwright, Joseph Hammond, and Samuel Moody, Esquires, Justices of the Peace. They ordered the case removed to the October court, and took Jaques's bond in the amount of one hundred pounds for his appearance. Sureties were Thomas Westbrook, Esq., and Mr. Edmund Mountfort. Bond was also taken then from Minot, Heath and Sanders for their appearance. It was their inability to be present that lead to the proceedings shown herein.]

James Tyler Appeared at this Court to Answer the Presentm'ts of the Grand Inquest Exhibited against him for Selling of drink. It is not Appearing to this Court that the Sd Tyler Sold any Contrary to Law. Its Considered by the Court that he be Acquitted Paying fees of Court 7s.

Tabitha Murch of York Appeared to this Court to Answer a Presentment of the Grand Inquest Exhibited Against her for fornication She owning the fact Saith that Will'm Murch who is now her husband is the father of Said Child—the Said Will'm Murch also Appearing owned the fact—Its Considered by the Court that the Said William Murch and Tabitha Murch Receive Seven Stripes Each on their Naked Back at the Post and Pay fees of Court 12s. or that they Pay a fine of 30s Each to the King and fees as afors'd and Stands Committed till Sentence performed.

Margaret Tucker Being Bound over to this Court per Recognizance Nicholas Dun and Wm. Tucker her Sureties aledging that She is not able to attend at this Court & they Entring into Bonds for he[r] appearance at the Next Sessions of the Peace to be holden at york for Sd County. Mem'dm the Said William Tucker and Nicholas Dun Acknowledge themselves to be holden and Stand firmly Bound and obliged unto our Sovereign Lord the King his Heirs or Success'rs Joyntly & Severally in the Penall Sum of five Pounds Current Money of New England that the said Margaret Tucker Shall Personally appear at the Next Court of Generall Sessions of the Peace to be holden at york for Sd County to answer to what Shall be aledged Against her on his Maj'ts Behalf for he[r] being Guilty of the act of fornication & to abide the order of Court thereon.—

Taken in Court attest CHARLES FROST Cler.

[7:118]

Andrew Westcoat Being Bound over to this Court By Recognizance for Being the Reputed father of a Bastard Child Begotten on the Body of Margaret Tucker She Being not yet delivered, Its Considered by the Court that the said Andrew Westcoat Give Bonds with Sufficient Sureties to the Value of Sixty Pounds for his appearance at the Next Court of Generall Sessions of the Peace to be holden at york for Sd County on the first Tuesday of Aprill Next to Answer to the Premisses. Mem'dm the Sd. Andrew Westcoat Principall Nathaniel Kene and George Fenix Both of Kittery in Sd County Husbandmen Sureties Acknowledge them Selves to be holden and Stand firmly Bound and Obliged unto our Sovereign Lord the King his Heirs or Success'rs in the Penall Sum of Sixty Pounds Current Money of New Engl'd. The Condition of this Recognizance is Such that if the Above Bounden Andrew Westcoat Shall Personally Appear Before the Justices of his Maj'ts Court of Generall Sessions of the Peace to be holden at york for Said County of the first Tuesday of Aprill Next then and there in Sd Court to Answer to his Being Accused of Being the father of a Bastard Child Begotten on the Body of Margaret Tucker and Shall Stand and Abide the Sentence of the Said Court thereon and not Report without Licence then this Recogniz'ns to be Void or Else Shall Stand in full force Strength and Virtue

Taken in Court attests

CHARLES FROST Cler

Aaron Tibbets of Kittery in sd County of York Cooper Being Bound

over to this Court by Joseph Hamond Esq'r one of his Maj'ts Justices of the Peace for Sd County for being Accused of Being the father of a Bastard Child Begotten on the Body of Penelope Richardson of Sd Kittery Singlewoman of which She is not yet delivered Its Considered by the Court that the Said Aaron Tibbets Give Bonds with Sufficient Sureties to the Value of Sixty Pounds for his Personall Appearance at the Next Court of Generall Sessions of the Peace to be holden at york for Said County to Answer to the sd Accusation. Mem'dm the Said Aaron Tibbets, Principall, Nicholas Morrall & Joseph Hill of Sd Kittery Yeomen Sureties, Acknowledge themselves to be holden and Stand firmly Bound and Obliged Joyntly and Severally unto our [7:119] Sovereign Lord the King for the Penall Sum of Sixty Pounds to be paid unto him his Heirs or Success'rs the Condition of this Recognizance is Such that if the above Bounden Aaron Tibbets Shall Personally Appear before the Justices of our Lord the King at the Next Court of Generall Sessions of the Peace to be holden at York for Sd County to Answer to his being Accused of Being the father of a Bastard Child Begotten on the Body of Penelope Richardson, and Shall Stand and abide the order and Sentence of the Said Court thereon And not depart without Licence then the above Recognizance to be Void or Else to Remain in full force Strength and Virtue.

Taken in Court Attests

CHARLES FROST Cler.

Penelope Richardson of Kittery in our Sd. County of york Single woman being Bound over to this Court by Joseph Hammond Esq'r one of his Maj's Justices of the Peace for Said County for Being with Child with a Bastard Child of which She is not yet delivered She Accuseing Aaron Tibbets of Sd Kittery to be the father of the sd Child. Its Considered by the Court that She give Bond with Sufficient Sureties to the value of ten Pounds for her Personall Appierance at the Next Sessions of the Peace to be holden at york for Sd. County. Mem'dm Penelope Richardson, Principall, and David Sawyer & James Staple Both of s'd Kittery Sureties Acknowledge themselves to be holden and Stand firmly Bound and Obliged unto our Sovereign Lord the King Joyntly and Severally in the Penall Sum of Ten Pounds to be Paid to him his Heirs or Success'rs with Condition that the Said Penelope Richardson Shall Personally Appear at the Next Court of Generall Sessions of the Peace to be holden at york for Said County to answer to the Premisses

and to Abide the order and Sentence of the Said Court thereon, and not to depart without Licence.

Taken in Court attests CHARLES FROST Cler

Ordered that fourteen Shillings be paid out of the County Treasury to Mr. Daniel Simpson to Pay the Jury & Constable who Served at the Last Court of Assize in Sd County of the Tryall of Joseph Quasan an Indian.

[7:120]

Nathan Knight of Scarborough in Sd County Appearing to this Court to answer his Presentment for Selling of Drink It Appearing to this Court that he had a Licence from this Court to Sell Drink. Its therefore Considered by the Court that he be Acquitted without Paying any fees.

Thomas Millet of Falmouth in Sd County of York Appearing to answer a Presentment Exhibited against him by the Grand Inquest for Selling drink. It not being made Appear to this Court that he Sold any Contrary to Law, Its therefore Considered by the Court that he be Acquitted Paying Costs 21s6.

Richard Babson of Falmouth in Sd County Appeared to answer Presentm'ts for Selling drink. Its Considered that he be dismisst.

Thomas Butler Jun'r of Berwick in our Sd County of York Husbandman & Joseph Pray and Josiah Goodridge of Sd Berwick Husbandmen, Appeared to this Court to Answer to a writ of Scire facias brought by the Overseers of the Poor of the Town of Berwick to Shew Reason if any they had why Execution or warrant of Distress Should not Go out against them for the forfeiture of their Recognizance of Sixty Pounds due to the Sd Overseers for the Maintainance of a Bastard Child Begotten on the Body of Eliz'a Goodin [Goodwin] as per the Process. Its appearing to this Court that the Sd Thomas Butler had Paid and tendered the Payment of More Money than was at that time Due by the Recognizance—Its therefore Considered by the Court that the Sd Thomas Buttler, Jos: Pray and Josiah Goodridge Recover against John Cooper, Roger Plaisted, Benj'a Libby, Richard Lord and Daniel Emery the afors'd overseers of the Poor of the Town of Berwick Cost of Court Taxed at Two Pounds Eleven Shillings.

Mr. James Chadbourn of Kittery in our said County of York Gent'm was appointed Comiss'r of Excise for Sd. County and gave Bonds and was Sworn to the faithfull discharge of his Truth According to the directions of the Law.

[7:121]

Whereas Michael Micom [Malcolm?] of Georgetown in the Said County of York was Apprehended by warr't from the Clerk to appear at this Court to Answer a Presentment of the Grand Inquest Exhibited against him for Breach of the Peace and Breach of the Sabbath as per the Deputy Sherrifs Return on file appears He Not makeing his Appearance but Sending a Letter Desiring that the hearing thereof may be Referred to the Next Term, Its Considered by the Court that his Bonds be Declared forfeited Unless he Appear at the Next Court of Generall Sessions of the Peace to be holden at york for Sd County in April Next to Answer his Sd Presentment.

John Elden of Biddiford in Sd County of York Appeared in Court and owned himself guilty of the Act of fornication, with Martha Knight now Reputed to be his wife. Its Considered by the Court that he Receive Seven Stripes on his Naked Back at the Post and Pay fees of Court 5s, or that he Pay a fine to the King of thirty Shillings & fees as afores'd & Stand Committed till Sentence performed. The Said John Elden Aleadging that his wife is not well & cannot come to Court Its Considered by the Court that the Sd Martha Eldin be Heard before Samuell Moodey and John Gray Esq'rs and that they Make Report of their doings therein at the Next Sessions, and that the Sd John Eldin Satisfie them for their Trouble.

Ordered that a writ of Scire facias Issue out of the Clerks office to summon Daniel Grant, John Morrall Son of Nicho's Morrall, and John Goodin to Appear at the Next Court of Generall Sessions of the Peace to be holden at york for sd County to Shew Cause if any they have why An Execut'n or Warr't of Distress Should not be had against for the forfeiture of their Bond for the Said Daniel Grants Appearance at July Court Last.

[Apparently added later:]

And also to Simon John Bradstreet & Daniel Rice to give Evidence of what they know Relateing to the premisses.

[7:122]

Pursuant to a Vote of the Generall Court⁷⁵ Allowing this Court Liberty to Grant Licence to Thomas Perkins of Arrundell in sd County of York to keep a Publick house of Entertainment, It is Considered by

⁷⁵ 11 *Acts and Resolves (Resolves, etc., 1726-1734)*, ch. 250, 94-95. Passed 19 Dec. 1726.

the Court that the Sd Thomas Perkins have liberty to keep a Publick house of Entertainment in Arrundell afos'd till July Next he giving Bonds as the Law Directs.

[Y. F. 1725-1726. No. 5]

[*A large double sheet, on which the following is formally and carefully written:*]

To the Hon'ble William Dummer Esq'r Lieut. Gover'r & Commander in Chief in & over his Majestys Province of the Massachusetts Bay, to the Hon'ble the Council of his Majestys sd Province & House of Represent'ves in Gen'll Court Assembled at Boston Nov's 23'd 1726.

The Petition of Tho's Perkins of Arundel in the County of York Humbly Sheweth, that whereas there was no person appeared at the Court of Gen'll Sessions of the peace held at York for the County, on the first Tuesday of July last to be a Taverner in said Town, & then having been Complaint made to the Selectmen of sd Town for want of a Tavern to be kept in the Middle of the Town, & the Petitioner being prevailed upon to keep a Tavern there, considering how much it might serve the publick Interest thereof, he presented the Approbation of the Selectmen to the Justices of the sd County of York at their Sessions held in October Last in Order for their Granting him a Licence, to keep Tavern as aforesaid, but so it was that the Justices, altho' they were willing that the Petitioner Should be Allowed to keep a Tavern, yet the Law wou'd not permit them to Grant him a Licence & take his Recognizance accordingly, for that it shou'd have been done at their Session in July aforesd so that the Town will suffer, if they cannot be Allowed & impowered if they see Cause to Grant a Licence to him to be a Taverner in Arundel aforesaid for the Rem[aining] part of the year, the time by Law [having] Elapsed for Granting Licences this present year notwithstanding; And your pet'r as in Duty bound shall ever Pray Sc

Thomas Perkins

[*Reverse:*]

In the House of Represent'ves Dec'r 17th, 1726 Read and Ordered That the Prayer of the Petition be granted and it shall be lawfull for the Justices of the peace for the County of York at their next Court of Gen'll Sessions of the Peace, & they are hereby im-pow-ered & Directed accordingly, to Grant a Licence to the Petitioner to be a Taverner in the Town of Arundel (if they see Cause) the Time by Law appointed for Granting Licences the present year being Elapsed notwithstanding

Sent up for Concurrence
Wm Dudley Sp'r

In Council Decem'r 19th 1726
Read and Concur'd

J Willard Secry

Consented to

Wm Dummer

Copy Examined per J. Willard Sec'ry

[*On a separate sheet:*]

John Wheelwright
Jos. Hammond

Thomas Perkins [*Seal*]
Benj'a Stove [*Seal*]
Jonathan Sherman [*Seal*]

The Presentments made by the Grand Inquest to this Court are as follows vizt.

Walter Murch of York for being drunk and Profane Swearing by the Information of Edward Beal & James Hall.

Moses Downer and his wife of Wells for not attending the Publick worship of God

Elihu Gunnison of Kittery for Selling Strong drink by Retail

Thomas Hearl for not attending the Publick worship of God

Thomas Everet of Berwick for Profane Swearing

Thomas Gubtail, Joseph allen, Thomas Holmes Sen'r all of Berwick for not attending the Publick worship of God

Elizabeth Lord of Berwick for fornication

Agness Libby of Berwick for fornication.

ARTHUR BRAGDON foreman

ANNO REGNI REGIS GEORGII DECIMO TERTIO

At a Court of Generall Sessions of the Peace holden at York within and for the County of York April 4th, 1727.⁷⁶

The Grand Inquest are as followes vizt

Arthur Bragdon Jun'r foreman		
James Sampson	John Lord	Joshua Remick
Sam'll Harmon	Elisha Andros	Sam'll Fernald
James Littlefield	Nathan'll Rains Jun'r	James Fly
Abra'm Townsend	John Sedgly	Nathan'll Jordan
Thomas Perkins	Simon Emery	William More

The Grand Inquest for the year Ensuing are as follows vizt

Nicho's Cole foreman		
Sam'll Libby	Gersham Maxfield	Tho's Haskell
<i>[name crossed out]</i>	<i>[name crossed out]</i>	Allison Brown
Moses Hodsdon	John Gelding	Nathan Rains
<i>[name crossed out]</i>	Matthew Libby Jun'r	Joseph Plaisted
Thomas Penny	David Clark	Samuell Simpson
		Elias Weare

[7:123]

Margaret Tucker being Bound over to this Court by Recognizance for being with Child with a Bastard Child She appearing owned the fact and Made Oath that Andrew Westcoat of Kittery in Sd County of York house Carpenter was the father of the Said Child. Its Considered by the Court that She Receive Seven Stripes on her Naked Back at the Post and Pay fees of Court 23s6. Or that She Pay a fine to the King of 40s & fees as aforsaid and Stands Comitted till Sentence Performed.

⁷⁶ The clerk neglected to list the members of the Court by name.

Andrew Westcoat of Kittery being Bound over to this Court by Recognizance for that he was accused of Being the father of a Bastard Child Begotten on the Body of Margaret Tucker of the aforesaid Kittery Singlewoman he Appearing & being asked by the Court whether he was Guilty or not Guilty he Refused to Plead, She makeing oath face to face in Court that the Said Andrew Westcoat is the father of the Sd Child. Its therefore Considered by the Court that he Pay two Shillings and Six Pence per week to the Said Margaret Tucker for the maintainance of the Said Child from the Birth of it dureing this Courts Pleasure and Give Sufficent Bonds with Sureties to the Value of Sixty Pounds to the overseers of the Poor of the Town of Kittery & their Success'rs for the Performance of the Same and for to Save the Town Harmless from the Maintainance of the Sd Child & Stands Committed till Sentence performed. Memor'dm Andrew Westcoat of Kittery in the Sd County of York House Carpenter Principall and William Card of York in Sd County and Waitstill Webber of Sd York Sureties Acknowledge themselves to be Holden and Stand Bound and obliged Joyntly and Severally unto the Selectmen or Overseers of the Poor of the Town of Kittery [& their Successors *lined out*] in the Penall Sum of Sixty Pounds to be Paid to them or their Successors in Sd office. The Condition of this Recognizance is Such that if the above Bounden Andrew Westcoat Shall observe and Comply with the abovesaid order of Court and keep the Town of Kittery free from any Charge for Said Childs maintainance then the above Recogniz'es to be Void otherwise to be in full force Strength and Virtue.

Taken in Court Attest
CHARLES FROST Cler

[Y. F. 1727, No. 1]

[1.] The testemoney of Catren Waymouth aged Sixty too years or thar about Says that See [*sic*] did the ofis of midwife for margred tuckar the second day of January last in Keetre [Kittery] and had a son and sayd in pressens of god it was andrew Wescots of keetre and no mans Els to the truth of the above writn i dos atest upon outh witnes by hand

[*signed:*] Kathrine Waymouth

Posm'o Aprell the 3 [31?] 1727 Mrs Katren Waymouth Came before me and atested to the truth of the above writn

Samuell Winkley Jus: peas

[*The body of the above written by Winkley*]

[2. *Apparently in Margaret Tucker's hand throughout:*]

To the Honar'ble Justices of the Sessions of the peace for the County of York, Now assembled in sd York:

May it Please Your honors, that whereas I am presented to this Honourable Court, for

being brought abed with an Illigitament [*sic*] Child, which I humbly confess and acknowledg to be a sin contrary both to the Law of God and man; for which Error I beg forgiveness, and Would humble Intreat of Your honors being now in a poor and Distressed Condition, that you would please to be as favourable to me as Consists with your honors wisdom leaving the Same to your Judgment, and humble pray your Honors compassion which will oblige Your Honors humble

Petitioner and obedient

Serv:t

Margret Tucker

York 5th April 1727]

Ordered that the Sum of thirty four Pounds nine Shillings be Paid out of the County Treasury to Jeremiah Moulton Esq'r Sherriff of Sd County in full Satisfaction of His Sheriffs Acc't as per the sd acco't on file appears.

[7:124]

Penelope Richardson Being Bound over to this Court as per Recognizance for being guilty of the act of fornication and having a Bastard Child She owning the fact & made Oath in Court that Aaron Tibbets is the father of Sd Child, Its Considered by the Court that She Receive Seven Stripes on her Naked Back at the Post and Pay fees of Court 23s6, or that She Pay a fine to the King of 40s & fees as afors'd & Stands Committed till Sentence performed.

Aaron Tibbits being Bound over to this Court as per Recogniz'ce for that he is accused of being the father of a Bastard Child Begotten on the Body of Penelope Richardson, he Appearing and Being asked by the Court whether he was Guilty or not Guilty he Refused to Plead, the Said Penelope Richardson makeing oath in Court face to face that Sd Tibbets is the father of Said Child. Its Considered by the Court that the Said Aaron Tibbets Pay to the Said Penelope Richardson Two Shillings and Six pence per week for the maintainance of the Said Child from the Birth of it Dureing this Courts Pleasure—And Give Bonds with Sufficient Sureties to the Value of Sixty Pounds to the overseers of the Poor of the Town of Kittery for the performance of the Same & to Save the Town of Kittery Harmless from the Said Child & pay fees of Court 20s6 & Stands Committed till Sentence Performed. Mem'dm the Said Aaron Tibbets of Kittery in Said County of York Cooper, Principall, Nicho's Morrall and William Fry Both of Sd Kittery Sureties, Acknowledge themselves to be holden and Stand firmly Bound and Obliged Joyntly and Severally to the Overseers of the Poor of the Town of Kittery in the Penall Sum of Sixty Pounds Current Money of New England to be Paid to them or their Successors in Sd office of overseers of the

Poor of Sd Town, or assigns. The Condition of this Recogniz'ce is Such that if the above Bounden Aaron Tibbets Shall Observe and Comply with the above Said Order of Court and Keep the Town of Kittery free from Any Charge for the Maintainance of Said Child Then the above Recognizance to be Void or Else to Stand in full force Strength and Virtue.

Taken in Court Attest

CHARLES FROST Cler.

Mr. Daniel Simpson of York in Sd County Gen't Chosen County Treasurer and Sworn in Court.

[7:125]

Daniel Carr of Salisbury Appeared at this Court to Answer his being accused of Being the father of a Bastard Child Begotten on the Body of Hannah Winch of York in Sd County of York he being asked by the Court whether he was Guilty or not Guilty he Refused to Plead She makeing Oath in Court face to face that he the Said Daniel Carr is the father of the Said Child, also Ruth Sellers Made Oath in Court that the Sd Hannah Winch did accuse the Said Daniel Carr in the Time of her Travil of Being the father of Said Child. Its therefore Considered by the Court that the Sd Daniel Carr Pay to the Sd Hannah Winch Two Shillings and Six pence per week towards the Maintainance of Sd Child from the Birth of it Dureing this Courts Pleasure and fees of Court 43s6d & Give Bonds with Sufficient Sureties to the value of Sixty Pounds to the overseers of the Poor of the Town of York for the Performance thereof and to Save the Town of York harmless as to the Maintainance of Sd Child And Stands Committed untill Sentence performed.

James Oliver Being Bound over to this Court by Joseph Hammond Esq'r one of his Maj's Justices of the Peace for Sd County for that he is accused of Being the father of a Bastard Child Begotten on the Body of Mary Breeden, of which She is not yett delivered. Its Considered by the Court that he give Bonds with Sufficient Suretys to the Value of Sixty Pounds for his appearance at the Next Court of Generall Sessions of the Peace to beholden at York in July Next to Answer the Afors'd Accusation. Mem'dm The Said James Olliver Principall, Robert Olliver of York & Bryant Breden of Kittery Sureties acknowledge themselves to be holden and Stand firmly Bound and Obliged Joyntly and Severally unto the Kings Majesty his Heirs & Successors in the Penall Sum of Sixty Pounds Current Money of New England—The Condition

of this Recogniz'ce is Such that if the above Bounden James Olliver Shall Personally Appear at the Next Court of Gen'll Sessions of the Peace to be holden at York for Sd County to answer to the aboves'd accusation and Stand and Abide the order of the Sd Court thereon & not Depart without Licence then this Recogniz'ce to be Void or Else to Stand in full force Strength & Virtue

Taken in Court attest CHARLES FROST Cler

Ordered that Christopher Mitchell be Summoned to appear at the Next Sessions to take his Oath as a Grand Juror he being Chosen by the Town of Kittery to that office.

[7:126]

Mary Bredeen being Bound over to this Court by Jos. Hammond Esq'r one of his Maj'ts Justices of the Peace for Sd County for being Guilty of the Act of fornication & being with Child with a Bastard Child. It appearing to the Court that She is not yet delivered & is unable to appear at this Court Its therefore Considered that her Bonds be Continued till the Next Court of Gen'll Sessions of the Peace to be holden at York for Sd County in July Next.

Ordered that the Assessors of the Town of Wells be Summoned to appear at the Next Court of Gen'll Sessions to answer the Compl't of Francis Sawyer to bring with them all the Lists of Rates made the Last year & also the List of the Ratable Estates by which they Made Said Rates and how much they Raised on the Pound.

Ordered that the Sum of Two Pounds four Shillings & ten Pence be Paid to Jos. Hammond Esq'r & Constable John Hutchins out of the County Treasury for their fees and Expenses in Apprehending and Committing Tho's Edgly to goal upon Suspition of his Stealing Sundry Goods from William Pepperrell Jun'r Esq'r as per the Process & Said acco't on file Apears vizt. to Mr. Justice Hamond 12s4d to Consta. Hutchins 32s6.

Thomas Edgly being Comitted to Goal in the afors'd County of York By Joseph Hammond Esq'r on Suspition of Stealing from Wm Pepperrell Jun'r Esq'r who Broke out of Said Goal & was afterwards Apprehended and Committed to Goal in the County of Suffolk, Its ordered by this Court that the Sherrif Take Care that he may be had at the Next Court of Generall Sessions of the Peace to be holden at York for the County of York in July Next to answer to the Premisses.⁷⁷

⁷⁷ See *infra*, 272.

Thomas Hearl Appearing at this Court to Answer his Presentment for not frequenting the Publick Worship of God, and being thereof Convict Its Considered by the Court that he Pay a fine of twenty Shillings to the use of the Poor of the Town of Berwick & fees of Court 7s and Stand Committed till Sentence performed.

Thomas Holms of Berwick being Presented for not frequenting the Publick worship of God & being apprehend'd in order to appear at this Court to answer his Sd Presentment, he sending his Petition Setting forth that he is unable to Come to Court, Its Considered by the Court that he be heard before Sam'll Plaisted & Nathan'll [Gerrish]⁷⁸ Esq'rs & that they Make Report to the Next Court of Gen'l Sessions of the Peace in Sd. County of their Judgment thereon.

[7:127]

Thomas Gubtail Appearing at this Court to answer his Presentment for not frequenting the Publick Worship of God—he makeing Excuse Acceptable to this Court, Its therefore Considered by the Court that he be Acquitted Paying fees of Court 7s.

Mr. Elihu Gunnison being Presented for Selling Strong Drink by Retail & being Apprehended in order to answer his Sd. Presentm't at this Court, he Sending a Petition Setting forth that he is Ill & Indisposed of Body So that he Cannot attend this Court, Its Considered that the hearing thereof be Referred to the Next Court of Gen'l Sessions of the Peace to be holden at York for Sd County in July Next.

William Groves Appeared at this Court to Answer his Presentment for Breach of the Peace on the Sabbath Day—he Giveing Reasons Acceptable to this Court for his so doing Its Considered by the Court that he be Acquitted Paying fees of Court 18s.

Ordered that an Execution or warrant of Distress be made out against Daniel Grant of Berwick in sd County Yeoman, John Morrall Son of Nicholas Morrall of Kittery in Sd County yeoman & John Goodin of Sd Berwick Cordwiner Joyntly or Severally for the forfeiture of their Bonds of Tenn Pounds to the Kings Majesty & to be Levyed on the Goods or Chattels of them or Any or Either of them.

James Rankin Appeared to Answer to his being Accused of Being the father of a Bastard Child Begotten on the Body of Deborah Spencer. Its Considered by the Court that the Hearing thereof be Referred to the Next Court of Gen'l Sessions of the Peace to be holden at York for

⁷⁸ The clerk omitted the surname.

Sd County of York on the first Tuesday in July next and that he give Bonds with Sufficient Sureties to the Kings Maj'ty to the Value of Sixty Pounds for his Appearance at Sd Court to answer to what Shall be Alleadged against him Relateing to the Premisses & to Stand and Abide the order of the Sd Court thereon and not Depart without Licence.

Memorand'm, James Rankin of York in Sd County Labo'r Principall, John Carlile and John Lane both of Said York Gen't Sureties Acknowledge themselves to be holden & Stand firmly Bound and Obliged Joyntly and Severally to the Kings Maj'ty in the Penall Sum of Sixty Pounds Current Money of New England to be Paid unto him his Heirs or Successors. The Condition of this Recognizance is Such that if the above Bounden James Rankin Shall Personally appear at the Next Court of Generall Sessions of the Peace to be holden at York for Sd County in July Next to answer to what Shall be Alleadg'd against him as abovesaid and Shall Stand and Abide the order & Sentence of the Sd Court thereon & not Depart without Licence then this Recogniz'ce to be Void or Else to Stand in full force Strength and Virtue.

Taken in Court Attest

CHARLES FROST Cler

[7:128]

Ordered that the Clerk of this Court Issue out a warrant to Apprehend Samuel Denny of George Town So that he May be had at the Next Court of Gen'll Sessions of the Peace to be holden at York for Sd County on the first Tuesday of July Next to Answer his Presentments for Selling Strong Drink by Retail & for Breach of the Peace on the Sabbath Day—also for his Repeated Contempt of authority in Breaking away from the officer after he was apprehended.

John Hutchins one of the Constables of Kittery Appeared to Answer for his Neglect in Not Giveing Legall Notice to the Inhabitants of Said Town to Make Choice of Jurymen to Serve on the Jury of Tryalls at Octo'r Court Last, he Giving Reasons Acceptable to this Court Its Considered by the Court that he be acquitted paying fees of Court 8s.

Michael Micom Appeared to Answer his Presentment for Breach of the Peace upon the Sabbath Day It appearing to the Court that what he did was in his own defence Its therefore Considered that he be Acquitted Paying fees of Court 34s6d⁷⁹

⁷⁹ See presentment at the October Court for preceding year, *supra*, 236.

[Y. F. 1727, No. 1]

[Georgetown March 5 1726/7]

Where as upon the Seventh Day of August last a Strife arose between the Subscriber & Mr. Sam'll Denny of the sd Town (of which Complaint hath been made to the Grand Jury for the County of York) and whereas the Subscriber is very Desiring to do Justice to, & live in peace & amnity with the Said Denny, He the Said Subscriber, Doth therefore propose & oblige him Selfe, that in case the said Denny will upon Oath Declare & avouch that he Did not Strike the sd Subscriber untill he the Said Subscriber Seiz'd upon him, that then He the subscriber will at all Times here after, beare & sustain the pennalties which may arrise for breach of peace or otherwise on that Occasion

[signed in a different hand:]

Mchell makern

Georgetown March 5th: 1726/7

Sam'll Denny of full age Testifyeth & Saith that where as a quarrel arose between Mical Makem of Georgetown & him Selfe as above; He the Said Deponant did not Strike the said makem untill after the sd Makem violently assaulted him & further saith not &

[signed:] Samuel denny

Georgetown

March 5th, 1726/7 Michal
Makem parsonally appearing

Signed and Delivered the above Instrument And Sam'll: Denny likewise parsonally appearing made Oath to the Truth of the above Diposition

before Joseph Heath Jus't peace

Being at Georgetown on the Day above Mr. Denny & Mr. Makum came before me Saying That in order to avoid the Charge & Trouble of Evidence going to York Court as well as do Justice to, And reconcile them Selves to Each Other, They had mutually Agree'd According to the above Declaration & Deposition And Requested of me to administer an Oath Accordingly. The which I did (not to Obstruct the Course of Law) but only that the affair might appear at the Sessions in a True light by the sd Oath & Declaration of the parties, their Good neighbourhood revived, and the Evidences relieved of the grievous burden of leaving their buisness, travelling to, and attendance at the Sessions, as above

March 9th 1726/7]

Hannah Bane being Bound over to this Court by Sam'll Came Esq'r one of his Maj's Justices of the Peace for Sd County for being with Child with a Bastard Child She not Being yett delivered, Its Considered She Give Bonds with Sufficient Sureties to the Value of Five Pounds to the Kings Maj'ty for her appearance at the Next Sessions of the Peace for Sd County to answer to the Premisses & to abide the order & Sentence of Sd Court thereon & not to depart without Licence. Mem'dm, Hannah Bane Principall, Jacob Perkins of Wells & John Bane of York in Said County Sureties Acknowledge themselves to be holden and Stand firmly Bound and obliged unto the Kings Majesty in the Penall

Sum of five Pounds Current money of New England to be paid unto him his Heirs or Success'rs. The Condition of this Recognizance is Such that if the above Bounden Hannah Bane Shall Personally Appear at the Next Court of General Sessions of the Peace to be holden at York for Sd County on the first Tuesday in July next to Answer to the Premisses as abovesd, then this Recogniz'ce to be Void or Else to be in full force Strength and Virtue—Taken in Court Attest.

CHARLES FROST Cler

Pursuant to an order of this Court at their Session in Jan'r Last Martha Elden the wife of John Elden of Biddiford appeared before Sam'll Moodey & John Gray Esq'rs and Acknowledged her Self Guilty of the act of fornication & was Sentenced to Receive Seven Stripes on her naked Back at the Post and Pay fees of Court 5s or Pay a fine to the King of thirty Shillings & fees as aforsd, as by the Said Justices Return on file appears.

[7:129]

Joseph Simpson of York in the Sd County of York Carpenter Being bound over to this Court by Sam'll Came Esq'r one of his Maj'tys Justices of the Peace for Said County for that he is accused of being Guilty of the Act of fornication & Begetting a Bastard Child on the body of Hannah Bane of York in Said County Singlewoman of which Child She is not yet delivered Its therefore Considered that he give Bonds to the Kings Maj'ty to the Value of Sixty Pounds for his Personall Appearance at the Next Court of General Sessions to be holden at York for Said County on the first Tuesday in July Next and to Stand and abide the order & Sentence of the Said Court thereon & not to depart without Liecence—Mem'dm the Said Joseph Simpson Principall & Joseph Bragdon of Sd York & Tobias Leighton of Kittery in Sd County Sureties Acknowledge themselves to be holden and Stand firmly Bound & obliged unto our Sovereign Lord the King Joyntly & Severally in the Penall Sum of Sixty Pounds to be paid unto him his Heirs or Successors. The Condition of this Recogniz'ce is Such that if the above Bounden Joseph Simpson Shall Personally Appear before his Maj'ts Justices at the Next Court of Generall Sessions of the Peace to be holden at York for Sd County in July Next to answer to the above-said accusation & Shall Stand and abide the order & Sentence of the Said Court thereon & not Depart without Licence then this Recogniz'ce to be Void or Else to be in full force Strength and Virtue

Taken in Court Attest

CHARLES FROST Cler

Walter Murch Appeared to answer his Presentm't for being drunk and Profane Swearing No Evidence appearing Sufficient to Convict him Its Considered by the Court that he be Acquitted Paying fees of Court 7s.

Ordered that a warrant Issue out of the Clerks office to Apprehend James Hall So that he may appear at the Next Sessions of the Peace to be holden at York for Said County on the first Tuesday of July Next to answer for his Contempt of authority in not appearing at this Court as an Evidence against Walter Murch when Lawfully Sumoned as per the Constables Return on file appears.

Presentments Exhibited by the Grand Inquest for the Body of this County are as followeth vizt.

Mary Bean the wife of John Bean of York for fornication.

John Whittum of York for Excessive Drinking

Robert Hooper of York for Profane Swearing

John Monson of Kittery for Profane Swearing & Drunkenness

Daniel Grant of Berwick for not frequenting the Publick worship of God.

[7:130]

Sarah Littlefield the wife of David Littlefield Jun'r of Wells Presented for fornication

Abigail Kimball the wife of Nathan'l Kimball of Wells for fornication

Cohace Deshon the wife of John Deshon of Arrundell for fornication

John Watson of Arrundell for Selling Sider a quart at a time some time in the month of Jan'r Last Past

John Watson of Arrundell Presented for Selling Sider and flip by Retail sometime in the month of february Last past

Martha Allen, the Wife of Barsham Allen of York for fornication.

The Reverend Mr. Heneryes of Scarborough Presented for marrying Daniel Burnam & Rebecca McKenny of Scarborough Sometime in the month of March Last past.

Jacob Perkins of Wells for Profane Cursing & Swearing in March Last Past.

ARTHUR BRAGDON foreman

ANNO REGNI REGIS GEORGII DECIMO QUARTO⁸⁰

At a Court of General Sessions of the Peace holden at York for & within the County of York August the 8th, 1727 by

⁸⁰ With the entry for this court, Charles Frost appears to be writing up the record again.

Adjurnm't from the first Tuesday in July Last past, Present
 John Wheelwright, Joseph Hammond, [*in margin*: Sam'll
 Moodye] William Pepperrell jun'r, Sam'll Plaisted, John
 Gray, Joseph Hill, Sam'll Came & Nath'll Girrish Esq'rs.

The Grand inquest are as Followeth

Nico's Cole forem'n	Girsham Maxfield	Nathan Rayns
Sam'll Libby	John Stagpole	Joseph Plaisted
James Girrish	John Gilding	Sam'll Simpson
Moses Hodgdon	Matthew Libby jun'r	Elias Weare
Christopher Mitchel	David Clark	
Tho's Penney	Allison Brown	

The Assessors of the Town of Wells appear'd to Answer the Complaint of Francis Sawyer as per his Compl't on file. It appearing to the Court that the Compl't was Careless Its Therefore Considered by the Court That the Said Francis Sawyer pay Cost of Court.

[7:131]

Mary Breedene bonds being Continued to this Court for being with Child with a bastard Child, She Appearing & own'd the fact & Said that James Oliver who She is now Married to is the father of the Sd Child & he also appearing & own'd the fact & She being now delivered of the Said Child Its Considered by the Court that they receive Seven Strips each of them on their Naked backs at the post & pay fees of Court 60s or that they pay a fine to the King of 30s each & fees as aforesaid & Stands [sic] Committed.

Hannah Bane being bound over to this Court for being with Child with a bastard Child, & She appearing & being now deliver'd, Own'd the fact & made Oath that Joseph Simpson is the father of the Said Child, Its Considered by the Court that She receive Seven Strips on her Nak'd back at the post & pay fees of Court 19s or that She pay a fine to the King of 30s & fees as aforesaid & Stand Committed.

Joseph Simpson being bound over to this Court for that he is Accused of being the father of a bastard Child begotton on the body of Hannah Bane She Continuing Constant in Said accusation face to face & making oath that he was the father of Said Child & by the Oath of Mary Blackledge, Martha Card & Mary Bane that in the time of her travell She was Examined & laid the Said Child to the abovesaid Joseph Simpson & Said that he was the father of it. Its therefore Considered by the Court that the Said Joseph Simpson pay to the Said Hannah Bane

3s per week from the birth of the Sd. child dureing this Courts pleasure & pay fees of Court 37s6 and Give bonds with Sufficient Suretys to the Vallue of one hundred pounds & to Stand Committed untill he gett Sureties to performe the Same. Memd'm the Said Joseph Simpson principall Daniel Simpson & Jeremiah Moulton Sureties Acknowledge themselves Joyntly Severally to be holden & Stand firmly bound [7:132] And Obleiged to the Selectmen or Overseers of the poor of the Town of York in the penall Sum of one Hundred pounds to be paid to them their heirs or Successors. The Condition of this Recognizence is Such that if the above Named Joseph Simpson Shall observe & Comply with the above Said order of Court & keep the Sd Town of York free from any Charge for Sd Childs Maintainance then the above Recognizence to be Void & of None Effect otherwise to remain in full force Strength & Virtue.

James Rankins Appear'd to Answer to Answer to his being Accused of being the father of a bastard Child begotton on the body of Deborah Spencer She also appear'd, & made Oath to his face that he is the father of the Said Child last born of her body. Its Considered by the Court that the Said James Rankins pay to the Said Deborah Spencer three Shillings per week from the birth of the Said Child during this Courts pleasure & pay fees of Court & that he give bonds with Sufficient Sureties to the Vallue of one Hundred pounds for performance of the Same & also to Save the Town of York harmless for any Charge for the Maintainance of the Said Child & Stand Committed untill Sentence be perform'd.

John Monson Appear'd to Answer his presentm't for profain Swearing & for being drunk & being thereof Convict Its Considered by the Court that he pay a fine for the use of the poor of the Town of Kittery of Tenn Shillings & fees of Court 8s & Stand Committed untill Sentance be performed.

[7:133]

Robert Hupper Appear'd to Answer His presentm't for profain Swearing & being thereof Convict, Its Considered by the Court that he pay a fine of five Shillings for the use of the poor of the Town of York & fees of Court 8s & Stands Committed untill Sentance be performed.

Martha Allen the reputed wife of Bersham Allen Appeared to Answer her presentm't for fornication the Said Bersham Allen also Appearing; & they both own'd the fact; Its Considered by the Court that they receive Seven Strips, each of them, on their Naked backs at the

post & pay fees of Court 8s a p's or to pay a fine to his Maj'ty of 30s each & fees as aforesaid & Stands Committed.

Samuel Denney Appeared to Answer his presentment for breach of Sabbath & breach of the peace & for selling Strong drink by retail Contrary to Law & for his repeated Contempt of Authority in breaking away from the officer after he was Apprehended. The presentment not Mentioning what time, when, nor where the Said Crimes was Committed, Its Considered by the Court that he be acquitted paying fees of Court 5*li*:17:0 And for his Contempt of Authority in breaking away from the officer after he was apprehended, Its Considered by the Court that he pay a fine to the King of 10s & fees as aforesaid & Stands Committed untill Sentence be performed.

[7:134]

John Wittum appeared to this Court to Answer his presentment for his Excessive drinking & it further appearing to the Court that he had drank to Excess at the time when he was Call'd to Answer the above presentment by which the Crime is very much Aggravated, Its Considered by the Court that he receive Ten Strips on his Naked back at the post & pay fees of Court 15s or that he pay a fine of Ten Shillings to the poor of The Town of York & fees as aforesaid & that he Stand Committed untill he find Sureties for his Good behaviour as the Law directs & pay fees as aforesaid.

Sam'll Littlefield⁸¹ Appeared to this Court to Answer his presentment for Neglecting the publick worship of God and it Appearing to this Court that he was very much Indisposs'd at the time of his So Absenting himselfe which was the reason of his not Attending, Its therefore Considered by the Court That he be Acquited paying fees of Court & Stands Committed Untill Sentence be perform'd.

James Hall Appeared in Court to Answer for his Contempt of Authority in not Appearing at the Last Court of General Sessions of the peace as an Evidence in the behalfe of our Sovereign Lord the King Abo't [*about*] Walter Murch his being drunk & profain Swearing Tho being Sumoned by the officer according to Law & being thereof Convic'td Its Considered by the Court that he pay a fine to the King of 10s And fees of Court 9s6 & Stands Committed Untill Sentence be perform'd.

⁸¹ Probably "Fat Sam," son of Edmund Littlefield, Jr., of Wells. (*Gen. Dict. Me. & N. H.*, 438.)

Mr. Addington Devenport [Davenport] jun'r is Appointed Kings Attorney in any Case that Shall come before this Court during the Setting of this Sessions.

[7:135]

Mr. Hugh Henery Appeared in Court to Answer his presentment for Marrying Daniel Burnum & Rebecca McKenney Some time in March Last past. The Said Mr. Henery pleaded not Guilty & desired to be tryed by this Court, The presentment being uncertain not mentioning in what Town the persons were Married in, nor where they were Inhabitants; Its therefore Considered by the Court that he be dismissed paying fees of Court 46s & Stands Committed untill Sentence be performed.

Abigail Kimball Appear'd at this Court to Answer her presentm't for fornication & Nath'll Kimball her Husband also Appear'd & they both own'd the fact. Its therefore Considered by the Court that each of them receive Seven Strips on their Naked backs at the post & pay fees of Court 15s6 or that they pay a fine to the King of thirty Shillings each & fees as aforesaid & Stand Committed Untill Sentence be performed.

David Littlefield Appeared at this Court & owned himselfe Guilty of the Act of fornication with Sarah Littlefield his now wife. Its therefore Considered by the Court that he receive Seven Strips on his Naked back at the post & pay fees of Court 6s or that he pay a fine to the King of 30s & fees as aforesaid & Stand Committed untill Sentence be perform'd. It appearing to the Court that Sarah his said wife could not Attend this Court, ordered that She be heard before the Hono'rble John Wheelwright Esq'r & Joseph Hill Esq'r & that they make report of their proceedings thereon at the Next Court of General Sessessions [*sic*] of the peace to be holden at York for Said County on the first Tuesday of October Next.

[7:136]

Joseph Averill Appear'd to this Court to Answer his presentm't at this Court for fornication, And being thereof Convic't Its Considered by the Court that he receive Seven Stripes on his Naked back at the post & pay fees of Court 6s or that he pay a fine to the King of 30s & fees as aforesaid & Stands Committed untill Sentence be perform'd.

Jacob Pirkins Appeared at this Court to Answer his presentment for profain Cursing & Swearing And it appearing to the Court that he had Answer'd for the Same before Mr. Justice Hill, Its therefore Considered by the Court he be Acquited paying Cost of Court 7s & Stands Committed untill Sentence be performed.

John Watson Appeared at this Court to Answer his presentment for Selling Strong drink by retail without Lycence, By reason of the Uncertainty of the presentment Its Considered by the Court he be Acquited paying fees of Court 3 £ 19s 8d & Stands Committed Untill Sentance be performed.

Jacob Pirkins Appeared at this Court to Answer his presentment for profain Cursing & Swearing, It appearing to the Court that he had Answered for the Same Crime before Mr. Justice Hill, Its therefore Considered by the Court that he be Acquited paying fees of Court 7s & Stands Committed untill Sentance be performed.

Mr. Elihu Gunnison appeared at this Court to Answer his presentment for Selling Strong drink by retail & by reason of the uncertainty of the Sd presentment & Nothing Appearing Sufficient to Convict him Its Considered by the Court he be Acquited paying fees of Court 8s & Stands Committed untill Sentance be performed.

[7:137]

Ordered that twenty Shillings be paid out of the County Treasury to William Mogeridge for ringing the bell & fitting pl'ttforms for the Superiour & Inferiour Courts to this day.

Order that Peter Bennit & George Rogers be Apprehended to appear at the Next Court of General Sessions of the peace to be holden at York for Sd. County of York to Answer for their Contempt of Authority for their not Appearing at this Court [*several words stricken*] to give evidence of what they knew relateing to Sam'll Denneys presentment for breach of the Sabbath & breach of the peace &ct, Tho' being Sumoned as the Law directs.

James Spinney of Kittery in the County aforesaid being bound over to this Court by Joseph Hammond Esq'r one of his Maj'ts Justices of the peace for Said County, By Complaint of Patiance Spenney of Kittery aforesaid Widdow of His Maj'ts behalfe for that he the Said James Spinney on or about the tenth of June Last past did violently Assault beat & abuse the Sd Complana'ts daughter &ct As per the process & the Sd. Justices Record Appears on file, The papers being Committed to the Grandjury who brought in their presentment vizt That the Said James Spinney on or about the 10th day of June Last past w'th force & Armes did violently Assault beat bruse Wound & Evilly intreat One Elizabeth Spinney of Kittery aforesaid a Girl of about thirteen Years of Age in the peace of God & the King then being, And then & there the

Said James Spenney many blows did Strike on her Naked body Some with his flatt hand & Some with his fist, So that She was afraid of his beating her breath out of her body, by which Means & violent Assault & Cruel beating her body was much brused & Swelled & her life Greatly Endangered; And Other Enormities the Said James Spinney [*several words stricken*] Then & there perpretrated & did &ct as per Said presentment on file appears. The Said James Spinney Appear'd & pleaded not guilty and desired to be tryed by a jury who were Specially appointed for that purposs, who went out thereon & return'd their verdict upon oath vizt, Not Guilty, Its therefore Considered by the Court he be Acquited paying fees of Court £5:2:7 & Stands Committed.

The Names of the Jury that tryed the above Cause were vizt, Rich'd Milbery foreman, Abra'm Lord, Miles Thompson, Tho's Weed, Joseph Sweet, Nath'll Leach, Nico's Morrell, Humphery Scammon, Mosses Banks, Henry Simpson, Francis Littlefield & Joseph Hodsdon

Attest CHARLES FROST Cler

[Y. F. 1727, No. 4.]

[1.] York Ss. To the Sheriff of the County of York his under Sheriff or Dep'ty or Constable of the town of Kittery within the sd County or to Any or Either of them Greeting.

Whereas Compl't is made to me the Subscriber one of his Maj'tys Justices of the peace for sd County on his Maj'tys behalfe by Patience Spinney of Kittery aforesd Widdow that on or About the 10th of June Insta't her Daughter Elizabeth Spinney a Girl of About thirteen years old being in her field gathering berrys was violently Assaulted by James Spinney of Kittery aforesd Cordwainer who laid violent hands on her pul'd up her Cloaths & Abused her by Striking Several blows on her Naked body by means of which She was very much hurt & Swel'd and that the sd James Spinney has Since threatned the Complainant & her Children putting them in fear & Terror and the Complainant Saith that She is in fear of his doing herselfe & family Some further bodily harm. All which is Contrary to the peace of our Sovereign Lord the King his Crown & Dignity, And Against the Laws of this Province in Such Cases provided.

These are therefore to require you in his Maj'tys name forthwith to Apprehend the body of the sd James Spinney & bring him before me or Some other of his Maj'tys Justices of the peace for sd County to be Exam'd Touching the premisses and further proceeded Against According to Law

Given under my hand & Seal this 28th day of June in the 13th year of his Maj'tys Reign Annoque Domini 1727

Jos. Hammond

You are also to Summon David Spinney, Jonathan Spinney, Lydia Cole, Jerusha Cole & Sam'l Remich Serv't. to sd James Spinney that they Appear At the Same time as Witnesses

And Also Notify the sd Patience Spinney & her Daughter Eliz'a. aforesd to Appear at the Same time.

Jos Hammond J Pac

[Reverse:]

York Ss. June 30th. 1727

Pursua't to the within warra't to me Directed I have Aprehended James Spinney within named & have him now in Custody, And also Summoned the Several Witnesses & Notified the Complaina't

per Paul Wentworth Dp: Sheriff

Vera Copia from the Original

Exam.

Jos: Hammond J. Pac's

[2.] York Ss. June the 30th 1727.

James Spinney of Kittery in the County of York Cordwainer being brought before Joseph Hammond Esq'r one of his Maj'tys Justices of the peace for sd County by Compl't of Patience Spinney of Kittery aforesd Widdow on his Maj'tys behalfe for that he the sd James Spinney on or about the 10th Insta't did violently Assault beat & Abuse the Complaina'ts Daughter Eliz'a. Spinney in the field &c As per the process (he Denying the fact) Sundry Evidences being Sworn relateing thereunto, Its Considered that the Cause be removed to the Court of Gen'l Sessions of the peace to be holden at York for sd County on the first Tuesday in July next & that the sd James Spinney be Committed till he find Suretys for his Appearance At sd Court to Answer sd Compl't and for his good behaviour in the mean time

[The bond: sureties were Jeremiah Spinney and Robert Staple. The Amount was ten pounds.]

Vera Copia [etc.]

Jos: Hammond J. Pac's

[The following statements were made at Justice Hammond's hearing on 30 June:]

[3.] The Examination of Elizabeth Spinney Aged about thirteen years Being Gathering berrys in the field James Spinney Came & laid hands on her pul'd up her Coats & very much abused her by Striking her many blows on her Naked body, Some with his flat hand & Some with his fist & that She was afraid he would beat her breath out of her body

Taken Before Jos: Hammond J. Pac's

Vera Copia [etc.]

[4.] Patience Spinney being Sworn Saith that on or about the 10th of June Insta't her daughter Anne Spinney Came in from the field where She had been to get berrys & told her that James Spinney had got her Sister Eliz'a and was beating of her and bid her run or She was afraid he would kill her. Accordingly She went & met her daughter Eliz'a Crying who told her James Spinney had beat & almost kil'd her & told her he would kill her if She went to him. The Depona't further Saith that She went to James Spinney & asked him why he beat her Child he Answered he would do it again or to that purpose. She went home & Searched her Daughter and found She was very much hurt & Swel'd from her hips to her hams And was brused black & blue. The Depona't further Saith that James Spinney has threatned her to kick her within an Inch of her life.

York Ss. June 30th 1727

Sworn Before Jos: Hammond J. Pac's

Vera Copia [etc.]

[Reverse:]

York Ss. August 8 1727

Sworn in Court

Attest Charles Frost Cler

[5.] David Spinney & Jonathan Spinney being Sworn Say that Some time in the forepart of this Insta't June they were with their brother James Spinney making fence they saw Two Girls gathering berrys in the field and heard James Spinney bid them be gone and Saw him go towards them, they Saw one of them run away but Saw Nothing of the Other, only heard Somboddy Cry out. Soon after Patience Spinney Came & asked sd James Why he beat her Child, he answered if he had done it he would do it againe or to that purpose

York Ss. June 30th 1727

Sworn Before Jos. Hammond J. Pac's

Vera Copia [etc.]

[6.] Lydia Cole & Jerusha Cole being Sworn Say that about the 10th: of June Insta't Eliza. Spinney Came to them and bid them look & See whether She was not Swel'd And Said that her uncle James Spinney Whipt her, Sometimes with his fist & Sometimes with his flat hand. Accordingly they did look & found She was bruised from her hipp to her hams and Swel'd as hard as flesh Could be Swel'd. Lydia Cole further Saith that the Girls Mother Came with her when She Shew'd her how She was Abused.

York Ss. June 30th 1727

Sworn Before Jos. Hammond J. Pac's

Vera Copia [etc.]

[7. *The formal presentment: this is not usually found for cases that went no further than the Court of General Sessions.*]

York Ss At His Maj'ties Court of Gen'l Sessions of the peace now holden at York for the sd County of York by Adjournm't the Eighth day of August Anno Domini 1727

The Jurors of Our Sovereign Lord the King upon their Oath present that James Spinny of Kittery in the sd County of York Cordwainer, at Kittery aforesd on or about the tenth day of June last past with force & arms did violently assault, beat bruise wound & evilly intreat One Elizabeth Spinny of Kittery aforesd A Girl of about thirteen years of Age in the peace of God & the King then being, & then & there the sd James Spinny the sd Eliz Spinny many blows did Strike on her naked body some with his flatt hand & some with his fist, so that She was afraid of his beating her breath out of her body, by means of which violent Assault & cruel beating her body was much bruised and swelled and her life greatly endangered & other Enormities the sd James Spinny then & there did perpetrate against the peace of our Sovereign Lord the King his Crown & Dignity & the Laws of this Province in that Case made and provided

Posuit se

Billa Vera
Nicholas Cole
fore man

[8. *The verdict of the trial jury:*]

at a Sesans of the peace held for the County of York bettween our Soverign Lord the King and the prisner att the Bare & Wee find him Nott Gilty

Richard Milbery fore man]

[7:138]

Benj'm Barns of York in our Sd. County of York being bound over to this Court by Wm Pepperrell Esq'r one of his Maj'ts Justices of the peace for Sd County on Suspition of breaking down part of a Certain pound belonging to Joseph Curtise of Kittery in Said County, Standing

Near Said Curtises house & Stealing out of his Said pound two red Mayrs as per the Warr'tt & Justices Record Appears. The Said Barns Appearing & being Ask'd by the Court whether he was Guilty or Not Guilty he pleaded not Guilty & desired to be tryed by this Court, There not being Sufficient evidence to Convict him, Its Considered by the Court that he be Acquited paying fees of Court three pounds Seven Shillings & Stands Committed untill Sentence be performed. The Said Benj'm Barns Appeals from the above Sentance to the Next Court of Assize & General Goal delivery to be holden at York for & within the Sd. County of York [*Several words stricken.*]

Memorand'm The Said Benj'm Barns principall, Joseph Bragdon & John Rackley Suretyes Acknowledge themselves to be holden & Stand firmly bound & Obleiged joyntly & Severally in the penall Sum of Twenty pounds Currant money of New England to be paid unto our Soveraign Lord the King his Heirs or Successors; If the Said Benj'm Barns Shall make default on the proscicuting of his Said Appeal with Effect, And Also that he be of Good behaviour in the Mean time towards his Maj'ty & all his Leige people.

Taken in Court Attest CHARLES FROST Cler

[Appeal: Court of Assize and General Gaol Delivery held at York, 15 May 1728. Lynde, Davenport, Dudley, Quincy J J.]

* * * * *

Benjamin Barnes of York in the County of York Appellant v. Joseph Curtis of kittery in sd County, Gent., appellee, from the Sentence of the Court of General Sessions of the peace held at York by adjournment on the Eighth of August last past when & where the sd Barnes was bound by recognizance to appear to Answer a Compl't Exhibited against him by the sd Curtis for breaking down part of a certain pound belonging to sd Curtis &c At which sd Court the sd Barnes was acquitted paying Costs;

And now the Appeal was dismisst there being no reasons filed by the Appl't as the Law directs, whereupon a Complaint was filed against the sd Barnes Setting forth the premisses & John Overing Esq'r the Attorney for our Lord the King prayed affirmation of the former Judgm't with additional Costs. It's therefore Considered by the Court that the former Judm't be & hereby is Affirmed against the sd Benjamin Barnes with the add'tl costs of this Complaint, taxed at Six pounds, Six shill's & six pence.

Records Sup. Ct. Jud. 1725-1730, fol. 137, *verso*.]

[Y. F. 1727, No. 1]

[1. *The warrant, issued 19 June 1727, by William Pepperrell, Jr., J.P., on the complaint of Joseph Curtis, "Gentleman;"*]

. . . that last Saterdag Night Some Ill minded person broke down part of his pound

w'ch lyes in Kittery aforesd Near the Said Curtises Dwelling house & Stole out of his pound Two red Mayrs & that he hath great reason to Suspect Benj'a. Barns of York . . . Labourer. These are to require you in his Maj'ty Name that You forthwith make Deligent Search in all Suspected places as You and this Complaint [*Complainant*] Shall Suspect & if in Your Search you find them You are to Secure them & him or them in whose Custody you find them in & him or them with the Said Benj'a. Barns You are forthwith to bring before the Subscriber, or Some other of his Maj'ty Justices of the peace for sd County . . . [*etc.*]

Wm Pepperrell

You are likewise required to Summons John Benson, Richard Rogers Jun'r & Peter Starratt to Give Evidence what they know relateing to the premisses

per c'm Wm Pepperrell J: peace

A true Coppy . . .

[2. *Pepperrell's attested copy of the hearing before him, 21 June 1727. Barnes was to be bound over to the next Court of General Sessions of the Peace in the amount of ten pounds.*]

Memorand'm The Said Benj'a. Barns haveing got no Suretys Its Considered that he be Committed unto our Goal in York . . . & to remain in our Said Goal Untill Sentence be Performed

A true Copie [*etc.*]

per Wm. Pepperrell Js peace

[3.] The Deposition of John Benson of full age Testifyeth & Saith that last Munday I meet with Benj'a. Barns & he asked me if I See'd his Two red Mayrs & I told him No & I ask't if they were not in pound And he Answered Yes & I ask't him how they Came out of pound & he said he knew not how

York Ss. June 21st: 1727

Sworne

Before Wm Pepperrell Js peace

A True Copie [*etc.*]

[4.] The Deposition of Richard Rogers Jun'r of full age Testifyeth & Saith That the last Sabbath day Night Comeing from York meeting I meet with the Two Mayrs Now in Controversy & Benj'a Barns following them and as I Suspect he See me he run into the woods

York Ss. June 21st: 1727

Sworne before

William Pepperrell Js peace

A True Coppy [*etc.*]

[5.] The Deposition of Peter Starratt of full age Testifyeth and Saith that Last Munday I meet Benj'a Barns and Askt him if he had found his horses and his Answer was that they Came home to me Yesterday Morning & I Asked him who bro't them home & he said the Devill brought them home as far as he knew

York Ss. June 21st: 1727

Sworne before Wm. Pepperrell Js peace

A True Coppy [*etc.*]

[6. *In another hand, and sworn in Court, 8 August.*]

York June the 21't: 1727

A: Memer'dum

Upon our Retorn from york Being Desired By Benim'n Barns to call in to his Mothers & to Desire her to Com to him the nixt day⁸² accordingly Wee did & after Sum talk Shee wase ask'd: When it Wase She first Saw the horses Belonging to hir Son Benim'n that wase Put into Mr Joseph Curtis Pound: her answer Wase that She Nea'r Saw them Before the Tusday after that they had got out of the Sd: Pound. She wase also asked. When it wase that her Son Benim'n Came home that Night & She Said not afore about midnight

Jno: Benson
Rich'd: Rogers
Jer. Spinney
Peter Starret

Sworn in Court Augs't 8th: 1727

Charles Frost Cler]

Mary Bane the reputed wife of John Bane of York Appeared at this Court to Answer her presentment for fornication & She being Ask't whether She was Guilty or not Guilty She pleaded Not Guilty. He also Appeared & own'd he had a Child by her. Its Considered by the Court that the hearing be Continu'd to the Next Court of General Sessions of the Peace to be holden at York for Said County on the first Tuesday of October Next & that they both give bonds with Sufficient Surtys to Answer the Same at the Said Court.

Mem'd'm John Bane & Mary his wife principall, William Card & Micom Mc McIntire Sureties, Acknowledge themselves to be holden & Stand firmly bound unto the Kings Maj'ty his Heirs or Successors in the penall Sum of fifty pounds that [*if*] the Said John Bane & Mary his wife Shall Appear at the abovesd & there Shall abide the order & Sentance of Sd Court relateing to the Same, Then this present Recognizence to be Void, Otherwise to remain in full force Strength & Vertue.

[7:139]

Liberty Granted unto John Stover of York and to Francies [*sic*] Littlefield of Wells to keep a publick house of Entertainment untill the next General Sessions of the peace to be holden at York &ct.

John Sawyard, Benjamin York & Benjamin Laraby Chosen Cullers of fish for the Town of falmouth.

[Y. F. 1727, No. 4.]

To the Hon'rble Judges of our Inferiour Court to be Holden at york one the first tuesday in July next these are to aquainte your Hon'rs that wee nominate and appiont

⁸² He was doubtless then in the York jail.

[sic] Mr Isaac Sawyer, Jeremiah Riggs, Joseph Pride & Mr John Sawyer, Benja Ingersole, Benja York to Be men Qualified for Cullers of Fish. Given under our Hands at Falmouth this twenty ninth Day of June Anno Que Domi 1727

Peter Walton	} Select men of Falmouth
Benja Ingersell	
Isaac Sawyer	
Sam'll Cobb	

[Reverse:]

At a Court of Generall Sessions of the peace holden at York for & within the County of York by Adjournment from the first Tuesday of July last past to the 8 of Aug'st following 1727, Captn Benj'm Larraby, Benjamin York & John Sawyer Chosen Culler [sic] of fish for the Year Ensuing

Attest Charles Frost Cler]

Whereas Samuel Moodey Esq'r hath made Complaint to this Court against Benjamin Wright for that the Sd Benjamin Wright hath abused and Scandilised him as a Justice of the peace which is Contrary to the Law of this province and against our Sovereign Lord the King and Against his Crown and Dignity, Its therefore Considered by the Court that the Said Benjamin Wright give bonds with Sufficient Surties to the Value of Ten pounds for his appearance at the next Sessions. Memorandum Benjamin Wright principal Coll'o Johnson Harmon & Cap'tn Edward Prebble Surties acknowledge themselves to be bound Joyntly and Severally to our Sovereign Lord the Kings Maj'ty his heirs or Successors in the penal Sum of Ten pounds that the Said Benjamin Wright Shall appear at the Next Court of General Sessions of the peace to be holden at York for Said County on the first Tuesday of October Next.

[Y. F. 1727, No. 2.]

[1.] Sam'l Denney Being Sworn Saith that on the day His Hon'r the Lieu't Gov'r arrived last at Falm'o. he being at the house of Benj'a Wright in Falm'o aforesd, sd Wright in Discourse Said that the Majr [Moody] Sent to him to Attend in Arms to recieve his Hon'r. the sd Benj'a Wright Said he was very ready to wait on his Hon'r but would not do it by Old Beelzebubs Ord'r

Sworn in Court Aug'st 10th 1727
Benj'a Wright being present

Attest Charles Frost Cler

[2.] Honr'd Sir Whareas you Did alage [*allege*] Maney things against Me the Subscriber at the Last Corte at york Refuring to your Selff I Doe hereby aknoulige maney of Them to bee Trew & Sinc I have Took it Into Consideration I am Hartily Sorey that I should bee Gilty of giving My Selff so much Leberty against an Hon'rble Judge of the Court and Now have seene The Evell Thereof and Hartily & Senserly ask pardon where in I have been Gilty and What Eaver I have Don or said amiss of anney of your famaly I pray may bee forgiven and for Eaver for [*illeg.*] that thair may bee no Deferenc between them and I for the time to Come and I will make it My Endeavor to Carey my Selff [very?] well to your Hon'r & famaly & to Live peacably and Quiatly toward them

and you. And Inasmuch as I am under Bonds I Beg your Honors Favor In the Hon'rble Court next Insuing to make Them as Easy as you can which I shall Take as a Grate Favor Don to your Hon'rs

Dutyfull Sarvant

Benja: Wright

I Do also Hartily beg forgiveness of all the Justices for my [Past?] Misbeavers and Do promis an amendment of Life for the Time to come with the help of God and pray that the above may be Comunicated to thare Honers

B Wright

to Major Sam'll Moody, Esq'r

The above I shall Bee Rady to aknoleg beefore the Honrbll Justices as witnes my hand this tenth [?] day of septemer 1727

Benja Wright

acknowledged [*sic.*] to be his act

& Deed before

Solomon Pike

Mark N of

Nat'le Jordan]

Ordered that two pounds Eighteen Shillings & Eight pence be paid out of the County Treasury to Mr. Joseph Curtis Corr'or for the County of York for Taking an Inquisition on the body of James Briant April the Sixth one thousand Seven hundred twenty & Seven who by Misfortain was Drownded.⁸³

Lycence is Granted by this Court to the Several persons following to be taverners & Retailers the year Ensuing

For the Town of Kittery

James Chadbourn, Sarah Hicks, Mary Staple, George Berry, Robert Mitchell, Mr. Joseph Curtis, Paul Wentworth, Benjamin Welch, Benjamin March to keep Publick houses of Entertainment and William Pepperrell Esq'r to Retail.

For the Town of York

Nathanil Donnell, Caleb Prebble, John Woodbridge to keep Publick houses of Entertainment & Mrs. Mary Prebble to Retail.

For the Town of Berwick

Joseph Moulton, Alice Abbot, to keep Publick houses of Entertainment and Samuel Plaisted Esq'r to Retail

For the Town of Wells

John Stover to keep a publick house of Entertainment and Joseph Hill Esq'r to Retail.

[7:140]

For the Town of Scarborough

⁸³ No record of the inquest appeared in the file boxes that were examined.

Nathan Knight to keep a Publick house of Entertainment

For the Town of Arrundell

Thomas Perkins, Thomas Perkins Jun'r to Keep Publick houses of Entertainment and Allason Brown to Retail

For the Town of Biddiford

Humphrey Scamon, John Gray Esq'r, John Stackpole to keep Publick houses of Entertainment. Cap'tn Sam'll Jordon to Retail

For the Town of Falmouth

Cap'tn Rich'd Collier, John Sawyer, Richard Babson to keep Publick houses of Entertainment and Major Sam'll Moodey Esq'r to Retail

For the Town of GeorgeTown

Authur [*sic*] Noble to keep a Publick house of Entertainment

[Y. F. 1727, No. 1]

[*On the outer fold:*]

To The Honourable John Wheelwright, Esq'r
& The Justices, In Their Sessions att York

per Tho's. Phipps Esq'r

[*Inside:*]

Portsm'o: July 24th: 1727

Gentl:

As it's uncertain whether I shall be at York at the Sessions, I would pray you to Grant Licence to Lieu't: Arthur Noble for keeping a publick House at Arrowsick, Instead of Granting of it to me, I Recommend the man as admirable person, he Lives in my House w'ch: You know is Convenient & a proper place in that Township, & if Cap't: Moulton or Mr Frost will oblige me in Giving Bond for him, I do hereby promise to be of Security for them, & Answer for him for any Misdemeanour in that affair for the ensuing Year. I was one of the Last Select men chosen so am a proper person to recommend sd Noble or any Other agreeable person

I am Gent'l: Your Humble Serv't:

John Penhallow.]

For the Town of North Yarmouth

James Perker [Parker] to keep a Publick house of Entertainment

Presentments Exhibited by the Grand Inquest for the body of this County are as Followeth Vizt

We Present William Trickey of York for not attending the Publick Worship of God Since the first of April Last

We Present Hannah Bean of York for fornication

We Present John Whitten of York for not attending the publick Worship of God Since the first of april Last

We Present Joseph Averill and Jane his wife both of Arrundell for fornication.

We Present Samuel Prockter of Falmouth for Selling of Strong Drink by Retail in falmouth Since the first Tuesday of april Last the Jury being Informed by Mr. James Chadbourn of Kittery.

We present Moses Gould of falmouth for Profain Cursing and Swearing and Takeing Gods Name in vain on or about the Last of april Last past.

We present James Car of York for Profain Swearing and Cursing and Taking the Lords Name in vain in York the Ninth Day of august 1727.

We Present Robert Pattison of biddiford for Selling of Strong Drink by Retail in Biddiford Since the first of april Last—by Mr. James Chadbourn of Kittery above Said

NICHOLAS COLE foreman

[7:141]

ANNO REGNI REGIS SECUNDO PRIMO

At a Court of General Sessions of the Peace holden at York within & for the County of York October the 3d 1727 Pres-ent John Wheelwright, Joseph Hammond, Sam'll Moody, William Pepperrell jun'r, Sam'll Penhallow, Sam'll Came & Nath'll Girrish Esq'rs

The Grand inquest are As followeth

Nico's Cole Form'n
Sam'll Simpson
James Girrish
Moses Hodsdon
Christopher Mitchel
Tho's Penney

John Stagpole
Girsham Maxfield
John Gieldin
Matthew Libby jun'r
David Clark
Tho's Haskell

Nathan Rayns
Elias Wear

Mary Bane being bound over to this Court to Answer her presentment for fornication She Appeared & desired to be tryed by a Jury who were Appointed for that purposs & they went out thereon After a full hearing & returned their verdict upon Oath vizt They find the Said Mary Bane Not Guilty; Its therefore Considered by the Court that She be Acquited pay[ing] Costs of Court & Stands Committed untill Sentance perform'd.

The Names of the Jury that tryed the above Case were vizt Joseph Holt Form'n, John Carlile, Henery Simpson, Josiah Main, Tho's Baker, Tho's Pickerin, Daniel Venum, John Lane, John Baker, Ralph Venum, Phillip Addams, Cap'tn Edward Prebble.

[Y. F. 1727, No. 2.]

[1.] At a Court of General Sessions of the Peace holden at York for the County of

York the first Tuesday of Aprill 1727 The Grandjurys presentments are as Followeth
Vizt

Mary Bane the wife of John Bane of York
presented for fornication

A True Copie of Record
Exam'd per Charles Frost Cler

[2.] *[On the outer fold:]*
Please in Mary Beans Case Saved Ag's the
Present' of the Grand Jury

[Inside:]
The Defend.' Saves the underwritten Pleas & Excepts agst the Present' of the Grand
Jury in order to Quash the Same, Viz

1. The Deft is not Sufficiently Described
2. because the presentment mentions no Time nor place where the fact was Comitted
3. because She is a married Woman & cant be guilty of the fact of fornication
4. The Crime is not laid to be done Contrary to the Law of the prov. in that Case made
& provided
5. The presentm't wants proper form

Mary X Bean

[3.] Mary Bane the wife of John Bane
Presented for fornication, The Jurey
find Her Not Gilttey

[signed:] J'oseph hoult

[4.] Jos Holt Form'n Daniel Vernum
John Carlile John Lane
Hen'ry Simpson John Baker
Josiah Main Ralph Vernum
Tho's Baker Phillip Addams
Tho's Pickerin Edw'd Prebble

Names of the jurym'n
in Baines Case]

Benj'm Wright being bound over to this Court by recognizence for
his Good behaviour & he being Call'd & not Appearing It is Considered
by the Court that his bonds be declared forfeited & that a writt of Scira
facias Issue out of the Clerks office for his Appearance at the Next
Sessions to Shew Cause if any he have why an Execution or Warr'tt of
distress ought not to go out against him for the forfeiture of his Said
recognizence it being ten pounds, for his not Appearing.

Coll'o Johnson Harmon Appeared before this Court & took the Oath
to be Collector of Excise & gave bonds to the faithfull discharge of his
trust According to Law.

[7:142]

John Whitten Appeared at this Court to Answer his presentment for
not Attending the Publick worship of God Since the first day of Aprill
Last past he making excuse to the Court Its Considered by the Court

he be Admonished & be Acquited paying fees of Court 8s6 & Stands Committed untill Sentance be perform'd.

William Tricky Appeared to Answer his presentm't for not Attending the public worship of God Since the first day of Aprill Last, he making Excuse to the Court, Its Considered by the Court he be Admonish'd & Acquited paying fees of Court 9s3 & Stands Committed.

Jane Averill the wife of Joseph Averill being Apprehended to Appear at this Court to Answer her presentment for fornication, It appearing to Court that through the Indisposition of one of her Children She is not able to Attend, Its Considered by the Court that She be heard before John Wheelwright & Joseph Hill Esq'rs & that they make report at the Next Sessions.

Jeremiah Moulton Sheriff of this County presented an Acco't for Sundry charges he was at in persuit after Tho's Edgley & for mending the prison &ct amounting in the whole to £4:13:8 as per Sd Acco't on file. Its Considered by the Court that the Sum of four pounds thirteen Shillings & Eight pence be paid out of the County Treasury unto the Said Jeremiah Moulton Esq'r in full discharge thereof.

[Y. F. 1727, No. 2.]

[*Sheriff's account, 5 March 1726-7*]

York March 5th: 1726/7
The County Dr

to Jeremiah Moulton Sheriff for four dayes in Search of Thomas Edgley who broak his mags'ts Goal in york on Saterday night the 4th: of March 1726/7	1 : 4 -
March 6th paid at portsmouth for Warrants to Each Constable of every Town in that Provance which I delevered to said Constables	1 : -
April 17th. paid to Mr. Nath'll Donel for aprehending sd prisnor and Committing him to the Goal in the County of Suffolk	2 -
paid for mending the prison Looock [<i>sic</i>] and new keay and Speaks [<i>sic</i>]	0 : 9 : 8
	<hr/> £4 : 13 : 8

The above accompt I humbly pray for the allowance of for yr humb'l Serv't

Jer: Moulton Sheriff]

Peter Nowel of York in Sd. County of York Gent'm appel't vs John Soward [Sayward] of Sd York Gent'm & Joseph Bragdon of the Same place Yeoman Appellees from a Judgm't Obtained against the Said Peter Nowel before Will'm Pepperrell Esq'r one of his Maj'ts Justices of the Peace for Said County the 28th day of June Last past On an Information where the Said John Saward [Sayward] & Joseph Bragdon

were Informers & the Said [7:143] Peter Nowell Respond't as per the Said Justces Record on file Appeares, The Appellees being Coll'd & not Appearing, Its Therefore Considered by the Court that the former Judgm't be reversed, the Said Peter Nowell recover against the Said John Saward [Sayward] & Joseph Bragdon Cost of Courts Tax't at 44s.

[This is the last entry in York Court Book, volume VII, for the Court of General Sessions of the Peace.]

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